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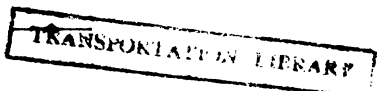
THE ACT
FOR
THE REGULATION OF
MUNICIPAL CORPORATIONS
IN
ENGLAND AND WALES.

*Gr. Brit. Laws, statutes, etc. 1837-1838.
= (William IV)*

THE ACT
FOR
THE REGULATION OF
MUNICIPAL CORPORATIONS
IN
ENGLAND AND WALES.

(5 & 6 W. 4, c. 76.)

—◆—
WITH AN INTRODUCTION AND NOTES.



BY CHARLES COOPER,
OF THE INNER TEMPLE, ESQ., BARRISTER-AT-LAW.

=====

LONDON :
SAUNDERS AND BENNING, LAW BOOKSELLERS,
(SUCCESSORS TO J. BUTTERWORTH AND SON,)
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ERRATA IN INTRODUCTION.

Pages vi and vii, note.—For “Merryweather” read “Merewether.”

Page xvii, line 7.—Strike out “and of persons objected to.”

Page xxix, note.—Strike out from the “three last words in the second line to the three first words of the fifth line inclusive.” And in line 8, for “was” read “now.”

Page xxxiv, note.—Last line but one, for “the borough” read “a borough.”

Page xli, line 6.—For “of the” read “and.”

Page xxxi, note, (omission.)—Insert “The first town clerk under this act is to be appointed on the first of January, 1836.”

INTRODUCTION.

THE aim and object of the writer of the pages here presented to the public, being practical utility, he will abstain from discussing minutely those often agitated questions,—the origin and gradual growth of municipal corporations; nor will he prefix to the act now passed for their regulation, a continuous synopsis of its contents. He will only endeavour to draw attention to such parts of the act as he deems most important, and also as being novel, most liable to misconstruction; more particularly to those parts which set forth the new municipal constitution, and to this rather than to the powers and duties to be exercised by its members, when completely organized.

Whatever may be the real antiquity of municipal corporations, it has been usual to consider the period of their first probable existence to be

at least as early as the reign of Richard the First. (1) It is commonly said of many municipal corporations, that they claim to be such by prescription, a phrase which, taken strictly, imports an existence from the earliest time of legal memory, which reaches back to the reign of that sovereign; although in practice, it is intended only to imply that their origin cannot be shewn to have been at a later period. The nature of their origin and growth is well expressed by Mr. Kyd, who observes, in the preface to his excellent treatise, "that at their first introduction, corporations were little more than an improvement on the communities which had grown up imperceptibly without any positive institution; and that for a considerable period, the shade which distinguished the one from the other, was of a touch so delicate as to require the most minute attention, and the most discerning eye to distinguish." (2) These observations of Mr. Kyd are made with reference to corporations in general, but they are particularly applicable to the case of municipal corporations.

The difficulty in ascertaining the precise time and manner of their growth, arises in a

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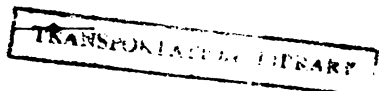


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(2) Kyd on Corporations, Introduction, p. 2.

great degree from the fact that the law with respect to the rights, privileges, and liabilities of collective bodies of men was not always so strictly and precisely defined as it now is. For instance, it is now a characteristic privilege of a corporation, and of no other collective body of men, to be capable of taking and transmitting lands in perpetual succession; but this privilege does not appear to have been at all times peculiar to a body of men expressly incorporated. (1)

Again, the capacity of suing and being sued in its collective capacity, is another characteristic of a corporation; but in ancient times there are many instances of other collective bodies of men suing and being sued in the same manner; (2) and the now daily prac-

(1) See instances quoted in Kyd on Corporations, vol. i., introduction, p. 4, &c. See amongst other instances—a grant of Middlesex, by King Henry I. to the citizens of London and their heirs, at the farm of 300*l.*, and that the citizens of London might place whom *they would of themselves to be sheriff*. The word heirs in this grant appears to be equivalent to “successors;” for it is manifest that it cannot be, and never has been taken in the sense in which it is ordinarily understood in private grants. It is stated by Mr. Serjeant Merryweather, and Mr. Stephens, in the work above referred to, pp. 677, 860, that the first charter of incorporation to a municipal body, was granted to Kingston-upon-Hull, in the reign of Henry VI. by which it is presumed, is meant that it is the first charter in which words of *express* incorporation are found, for in p. 857 of the same book is recited a grant by King Edward the Third to the burgesses of Kingston-upon-Hull, their heirs and successors (amongst other things) that they might elect yearly from among themselves one mayor and four bailiffs.

(2) See the instances in Kyd on Corporations, Introduction, p. 10, &c.

tice of proceeding against inhabitants of parishes and counties in their collective capacities, for their neglect to repair roads and bridges, is an ancient relic of this kind.

Municipal corporations, to use the words of the preamble of the act, now under consideration, have been constituted in cities, towns, and boroughs, to the end that the same might for ever be and remain well and quietly governed. The powers, by means of which this end is to be attained, whatsoever their original source may have been, now almost invariably depend on modern charters, the provisions of which are exceedingly various. Amongst the more ordinary will be found, powers for the maintenance of the public peace, and the suppression of nuisances; the grant of a commission to two or more select members of the corporate body to act as justices of the peace, and to hold a court of quarter sessions; and sometimes a court of record for the trial of civil actions; but the last mentioned court is very generally disused in the smaller towns.

Besides these ordinary powers, the exercise of which would hardly have been a sufficient object of temptation, to cause the frequent strife for places in corporations which our law reports shew to have arisen; the members of corporations are frequently *ex officio* trustees under local acts of parliament, and under

trusts for charitable purposes, and as such enjoy a considerable share of patronage and distribution of money. Moreover, before the Parliamentary Reform Act the corporation had in some places the sole return of members of parliament.

The governing power has been generally vested in corporations consisting of few members, or in a select body, in the case of corporations consisting of numerous members; and for a long series of years, until the passing of the stat. of the 9 G. 4, c. 17, which substituted a declaration to be made in lieu of the Sacramental test, and the statute passed in the following year for the relief of the Roman Catholics, has been exercised almost exclusively by members of the church of England. Since the passing of these acts Dissenters have been, in some instances, but not generally, admitted into corporations. This exclusive power naturally created jealousy in the excluded parties, and has been the cause of frequent complaints, of which the close system of election, and the secret manner of keeping the corporation accounts, have formed the principal matter.

Moreover, it has been generally admitted, that the present constitution of municipal corporations, either from change of circumstances, the little uniformity in their institutions, the want of necessary power to enforce

the observance of their bye-laws, or from some other cause, have become insufficient for the purposes for which they were originally instituted. (1)

The bill which, after many alterations, has become the act now under consideration, was brought into the House of Commons by Lord John Russell on the 5th day of June, and received the Royal assent on the 9th day of September last. (2) It gives one uniform constitution to all the larger corporate towns of England and Wales, except London, varied only by the division of the more considerable into wards. A commission of the peace, a court of record for the trial of civil actions, and the offices of recorder and coroner, &c. granted to some boroughs, do not form an essential part of the municipal constitution.

Title.

The title of the act is *An Act to provide for the regulation of Municipal Corporations in England and Wales*. This title is more general than its operation, which is confined to the several bodies corporate named in the schedules (A.) and (B.) annexed to the act, which are in number 178. See sections 6 and 142.

(1) See the speech of Lord John Russell on the introduction of the bill into the House of Commons, and the speeches of the Duke of Wellington and other peers, on the second reading of the bill in the House of Lords.

(2) The measure is not yet perfect, inasmuch as the provision with respect to trusts for charitable purposes, remains to be considered in the next session of parliament.

The act, after repealing so much of all laws, Repeal. Sec. 1.
 statutes, and usages, and so much of all royal
 and other grants and letters patent, now in
 force relating to the several boroughs named
 in the said schedules, or to the inhabitants
 thereof, or to the several bodies corporate
 named therein, as are inconsistent with or
 contrary to the provisions of this act (section
 1,) and after reserving to inhabitants, appren- See post,
 p. 2, Reser-
 vation of
 rights.
 Secs. 2, 3, 4.
 tices, freemen, and burgesses, and to the
 wives, widows, sons, daughters, and sons-in-
 law of freemen and burgesses, certain rights
 of property, and interest in charitable funds,
 (section 2,) but prohibiting the future admis-
 sion of freemen by gift or purchase (section 3,)
 and after reserving to freemen and burgesses
 the rights of voting for members of parlia-
 ment, secured to them by the Parliamentary
 Reform Act, (section 4,) and providing for the
 perpetual succession of freemen and burgesses,
 by means of their admission and enrolment un-
 der the name of *freemen*, (section 5,) gives to New style.
 Sec. 6.
 every body corporate named in the said sche-
 dules, one general name of incorporation,
 namely, "mayor, aldermen, and burgesses."

The corporate constitution would be more Corporate
 constitu-
 tion.
 accurately described by the name of "mayor,
 aldermen, *councillors*, and burgesses;" for
 every corporation is to consist of these four
 constituent parts.

There are to be in every borough—

Sec. 25.

1st. One fit person to be called "The Mayor."

2dly. A certain number of fit persons to be called "Aldermen," and

3dly. A certain number of other fit persons to be called "The Councillors," and such mayor, aldermen, and councillors, are to be "The Council." (1)

4thly. There will be the general body of burgesses from which the other three will originally spring.

Assessors,
Auditors,
Town clerk,
Treasurer.

There will be attendant on every corporation two persons to be called assessors, and two others to be called auditors, and also a town clerk and a treasurer.

The burgesses are to come first into existence; then the councillors are to be elected, next the aldermen, and lastly, the mayor, on whose election the corporation will be complete.

Burgesses.

1st. The burgesses, who will be an indefinite fluctuating body, will be from time to time ascertained by the annual process of enrolment or registration. (2) Enrolment is a

(1) It will be important to observe, that when the "council" is mentioned throughout the act, the mayor, aldermen, and councillors are intended; and that by "councillors" are meant those particularly so designated, and not all the members of the council.

(2) There is a considerable difference of opinion as to the advantage of a system of registration of voters for parliamentary elections, but it is believed that the balance of

condition precedent to being a burgess. In fact, a person will become a burgess by being placed on the burgess roll.

Every male person of full age may be enrolled if he has occupied, and has been rated to all poor rates in respect of a house, warehouse, counting-house, or shop, within the borough, for two years and eight calendar months next before the 31st day of August in the year of registration ; and has during the same time been an inhabitant householder within the borough, or within seven miles thereof, provided he has, before the said 31st day of August, paid all such rates (including all borough rates, if any, directed to be paid under this act) except such as may have become payable within six calendar months next before that day:

Qualifica-
tion.—See
note, p. 13,
et seq.

Sec. 9.

public opinion is decidedly in its favour. There is one inherent defect in the system which it seems impossible to remove, viz., that the register does not at the time of election contain a strictly accurate account of the persons who ought to be entitled to vote at it. There are also some minor defects in the machinery of registration which will most probably be amended in the next session of parliament ; but it appears to the editor, that all its defects, whether amended or not, are altogether overbalanced by the circumstance, that the poll at elections for every city and borough of the United Kingdom, can by its means be taken in a single day ; thereby not only saving great expence to the candidates, but giving a greater check to the practice of bribery than has hitherto been imposed by any law immediately directed against it.

The inherent defect above-mentioned will exist in a very slight degree in the municipal registration, inasmuch as the principal election of officers will take place immediately after its completion.

Disqualifi-
cation. Provided also, that he be not an alien, and have not received parochial relief, or other alms, (1) or any pension or charitable allowance from any fund intrusted to the charitable trustees of such borough, but neither medical nor surgical assistance given by the charitable trustees of the borough, nor instruction in any public or endowed school will cause disqualification.

Sec. 10.

Occupiers
may claim
to be rated.
Sec. 11.

Care is taken that persons should not be deprived of their qualification through the negligence of overseers, in omitting to place them on the poor rate; for every such occupier as aforesaid, may claim to be rated, and upon making such claim, and paying or tendering the amount of the last made rate, the overseers are required to place his name upon the rate for the time being; that is to say, upon the then last made rate; and whether they do so or not, he will be deemed to have been rated from the period at which the rate was made, in respect of which he shall so claim. See note, p. 19.

The objects in requiring an occupation and a payment of rates for so long a period as

(1) By section 54, persons convicted of asking, or taking, giving, or promising any gift or reward to corrupt, or procure any person to give, or forbear to give his vote in any election of mayor, councillor, auditor, or assessor in any borough, are declared to be disabled to vote in any election for such borough; but it seems that such a conviction would not authorize their exclusion from the burgess list.

two years and eight months, appear to be, 1st, to give the burgess right, and consequent influence, to those who have, for a considerable length of time, regularly borne their share of the burthens of the borough: and, 2dly, to prevent the intrusion of persons by means of occasional, or pretended, or colourable occupation of property. (1) The twelfth section makes an exception in favour of persons to whom any warehouse, counting-house, or shop, shall come by descent, marriage, marriage settlement, devise, or promotion to any benefice or office, by entitling them to reckon the occupancy and rating of the person from or by whom such house, &c. shall come, as their own occupancy and rating.

Exception
in favour of
titles by
descent, &c.
Sec. 12, see
p. 21.

Sections 15 to 24 inclusive, contain provisions relative to the formation of a burgess roll. The process will be the same in every year. The overseers of every parish, on the 5th day of September, (2) are to make out an alphabetical list, to be called "The Burgess List," of persons entitled to be enrolled in the burgess roll, in respect of property within such parish; and having signed such list, and

Burgess
list.
See p. 26,
&c.
Overseers,†

(1) From the information gathered on this point it is believed that the required payment of rates for two years and eight months will have the effect of reducing the number of burgesses to a much lower amount than is commonly expected.

(2) In this year the 7th November.

made a true copy thereof, the overseers are, on the same day, to deliver such list to the town clerk, and to keep the copy to be perused by any person, *gratis*, between the 5th and the 15th of September. (1)

Town clerk. The town clerk is to cause copies of all the lists to be printed, and a copy to be given at a reasonable price, to any person requiring the same, and to fix a copy on the outer door of the town hall, or in some public and conspicuous station within the borough, on every day during the week next before the 15th of September. (2)

Section 16 provides for the case of there being no town clerk, and for precincts and places having no overseers.

Claims. If any person claiming to be inserted in any
Sec. 17. burgess list shall be omitted therefrom, he must before the 15th of September, give notice thereof to the town clerk in writing [See the
Objections. Form No, 2, post page 27]; (3) and if any
Sec. 17. person, whose name is in the burgess list, shall object to any other person, as not being entitled to be retained therein, he must, on or before the said 15th of September, (4) give to

(1) In this year between the 7th and 17th November.

(2) In this year the 17th November.

(3) This form of claim appears to be unnecessarily perplexing. Need the claimant be obliged to specify all the parishes in which he may have been rated, because it may be necessary for him to prove them in detail before the mayor and assessors?

(4) In this year the 17th November.

the town clerk, and also give to the person objected to, or leave at the premises for which he shall be rated, notice thereof in writing [See the Form No. 3, post page 28].

The town clerk is to make out a list of the claimants, and a list of the persons objected to [See the Forms and of persons objected to, No. 4 and 5, schedule (D.), post 172], and to cause copies of such several lists to be fixed in the manner before mentioned, during the eight days next preceding the 1st of October, (1) and to make a copy of the list of claimants, and of the list of persons objected to, to be perused gratis, and to deliver a copy of each of them to any person, at 1s. each.

See p. 28.
List of
claimants,
and of per-
sons ob-
jected to.

On a day between the 1st and 15th of October, both inclusive, of which three clear days' notice is to be given, in manner aforesaid, the mayor and two assessors are to hold an open court for the purpose of revising the burgess lists. The town clerk is to attend, and produce the said lists, and a copy of the lists of claims and objections. The overseers, vestry clerks, and collectors of poor-rates, are also to attend, and to answer on oath all questions relating to matters necessary for revising the lists. As to the power of administering oaths generally, see section 19.

Court of
mayor and
assessors
for revision
of the lists.
Sec. 18.

Sec. 18.

(1) In this year, the eight days next preceding the 1st December.

The mayor and assessors are to hear and determine all claims and objections, and the mayor is to retain, insert, or expunge names, according to the determination of the court in each case. See the power and duties of the mayor and assessors more fully discussed in Note following section 22, p. 34.

Sec. 20. In the present year barristers are to take the place of the mayor and assessors, in revising the lists. (1)

Sec. 22. The burgess lists so revised and signed are to be delivered by the mayor to the town-clerk, who is to keep them, and to cause them to be truly copied into one general alphabetical list in a book, with every name therein numbered in a regular series. This book is to be completed on or before the 22d of October, (2) and is to be the *burgess roll* of the burgesses entitled to vote after the passing of the act in the choice of the councillors, assessors, and auditors of the borough, at any election to take place between the 1st day of November inclusive, in the year wherein the lists are made, and the 1st of November in the succeeding year.

Burgess
roll.

Councillors
Sec. 30. The next step to be taken after the enrolment of the burgesses, is the election of councillors,

(1) The revision in this year is to be between the 1st and the 15th December inclusive.

(2) In this year on or before the 22d December.

who are to be chosen by the burgesses. (1)

The qualification necessary for a councillor is the being entitled (2) to be on the burgess list of the borough, and in boroughs to be divided into four or more wards, being seised or possessed of real or personal estate, or both, to the amount of 1000*l.*, or being rated to the relief of the poor of the borough, (3) upon an annual value (4) of not less than 30*l.*; and in boroughs not to be divided into wards, or into less than four wards, the being seised or possessed of real or personal estate, or both, to the amount of 500*l.*, or being rated to the relief of the poor of the borough upon an annual value of not less than 15*l.* (5)

Qualifica-
tion.
Sec. 28.
See post,
p. xxvii.

No person holding any place of profit (except that of mayor) in the gift of the council, or having by himself or partner any concern or interest in any contract or employment, with, by, or on behalf of the council, except as a proprietor or shareholder of any company

Disqualifi-
cation.
Sec. 28.

(1) See the proceeding at elections of councillors, *post*, sections 32, 33, 34, 35, and note.

(2) It is singular that the act does not expressly require a councillor to be on the burgess roll.

(3) This must mean the poor of some parish within the borough.

(4) This provision will most probably have the effect of making more uniform the scale of assessment to poor rate, which is at present very variable, being sometimes at three-fourths, sometimes at a half, and not unfrequently as low as one-third of the actual value of the property assessed.

(5) The same qualification is required for aldermen, section 28, and for auditors and assessors, section 37.

contracting for lighting, or supplying with water, or insuring against fire any part of the borough, can be elected a councillor or alderman.

The number of councillors of each borough will be found opposite the name of such borough in one of the schedules (A.) and (B.), and is in every case a number divisible by *three*; the reason for which appears in section 31, which provides that on the 1st day of November in every year, *one-third part* of the whole number of councillors shall go out of office.

(One-third to go out of office by annual rotation. Sec. 31.

The councillors to go out of office on the 1st of November, 1836, are those chosen in this year by the smallest number of votes; in November, 1837, those chosen by the next smallest number, the council determining, in case of an equality of votes, which of the persons having an equal number of votes are to go out of office. In 1838, and thereafter, the councillors to go out of office are those who have been longest in office without re-election.

11. Any councillor going out of office may be forthwith re-elected if then qualified.

Election. Sec. 30.

The election of the full number of councillors will take place on the 26th of December in this year: and in every succeeding year on the 1st of November, so many will be chosen as may be necessary to supply the

places of those going out of office as aforesaid.

The election in the present year will be held before the mayor or other chief officer now in office. In future years it will be held before the mayor and two assessors. In case of the death, absence, or incapacity of the mayor, the council are to elect one of the aldermen to execute all the powers and duties, with respect to elections, in the place of the mayor.

Presiding
officer.
Sec. 36, 142.

The voting is to commence at nine o'clock in the morning, and to end at four o'clock the same day, and each vote is to be given by delivering to the presiding officer a voting paper, which see *post*, p. 44.

Polling.
Sec. 32.

If the mayor shall deem it expedient, polling booths are to be erected, and poll-clerks appointed.

Booths.
Sec. 33.

The mayor, if required by any two burgesses, is authorized to ask three questions of any voter. The purpose of the first and second of which questions is to identify the person delivering the voting paper with the person whose name appears signed thereto, and with the person of the same name and apparent qualification on the burgess roll.

Questions
which may
be asked.
Sec. 34.

The object of the third is to guard against persons voting more than once at the same election.

It is declared to be a misdemeanour, and

punishable as such, to answer any of these questions falsely.

Examina-
tion of vo-
ting papers.
Sec. 35.

The mayor and assessors are to examine the voting papers, and ascertain which of the persons voted for are elected. In case of an equality of votes for two or more persons, the *mayor and assessors* are to name from such persons, so many as shall be necessary to complete the requisite number. For instance, if ten councillors are to be chosen, and there are eleven persons voted for, of which eight have each a clear majority of votes over each of the other three, between whom there is an equality in the number of votes, the mayor and assessors are to name two out of the three.

Casting
vote.

Declara-
tion of elec-
tion of
councillors,
sec. 35.

A list of the persons elected is to be published by the mayor not later than two o'clock of the day next but one after the election, except such day be Sunday, and then on the Monday following. The voting papers are to be kept at the town clerk's office for six calendar months, at least, after every election, for the inspection of any burgess, on payment of one shilling.

Occasional
vacancies.
Sec. 47.

In case of an extraordinary vacancy in the office of councillor, the burgesses are (on a day to be fixed by the mayor, or in case of a borough to be divided into wards, by the alderman of the ward after mentioned) to elect another person to supply such vacancy; and

the proceedings in such election will be in all respects the same as at a general election of councillors. The person so chosen will continue in office so long only as the person into whose place he is elected would have continued; thus, if a councillor dies nine months, or a less time before the expiration of his term of office, the person elected in his stead will continue in office only till the expiration of such nine months, or less time as the case may be.

The act directs that the day to be fixed for the election shall not be later than *ten* days after such vacancy; but this direction must be construed with reference to the latter part of the section, which provides that after the full number of councillors in any year shall have declared their acceptance of office no new election of councillors shall be made by reason of such extraordinary vacancy, unless the number of councillors remaining after such vacancy shall *not exceed two-thirds* of the whole number of the council of such borough. The day of election ought, therefore to be fixed not later than ten days after a new election of councillors has become necessary; but this provision as to the day of election is directory only, and an election will not be void, although made on a day later than ten after an election has become necessary. The effect of the provision that no

Sec. 37. following year. No person is eligible to be auditor or assessor, who is of the council, or town clerk, or treasurer.

1b. The form and manner of election, and the proceedings to be had in the case of an occasional vacancy, will be the same as before mentioned with respect to councillors, except that a burgess is not allowed to vote for more than one person to be auditor, and one person to be assessor.

Auditors. The duties of the auditors are very important: they are to audit all the accounts of the corporation; to take care that proper vouchers are produced for all payments charged; and credit given, for all money received by the corporate officers; that no unauthorized payment is allowed to the treasurer; and generally to guard against any fraudulent or negligent misappropriation of the borough fund. See Sections, 59, 60, 93.

Assessors. The office of the assessors will be to act with the mayor in the revision of the burgess lists, and in the election of councillors, auditors, and assessors.—See Sections 18, 32, 35, 37.

Compulsory on persons elected to accept office. It is compulsory on every person elected to be a mayor, alderman, councillor, auditor, or assessor, to accept such office, if duly qualified, or (with the exceptions mentioned in the 51st section) to pay a fine in lieu thereof.

of the peace, by virtue of their office, are to continue to act as such justices until the 1st of May, 1836.

And it is further provided, that where by statute, charter, bye-law, or custom, any election is appointed to be held between the day of the passing of this act and the first day of May next, no such election shall take place, but every person holding office on the day of the passing of this act shall continue to hold such office, with all fees, &c. until the time appointed by this act for him to go out of office, which as to the mayor or other chief officer, and all members of the governing body, will be as before-mentioned on the declaration of the first election of councillors. (1)

The aldermen are to be chosen from the councillors, or from the persons qualified to be councillors, and will be in number one-fourth part of the whole council, the proportion of aldermen to councillors being one to three. The first election will be on the 31st day of December next. (2)

On the 9th day of November, 1838, and in every third succeeding year, one-half of the whole number of aldermen are to go out of

Proviso as to customary annual elections.

Aldermen. Sec. 25.

Triennial re-election of half the number of aldermen. Sec. 25.

(1) There is no provision for the case of a vacancy by death, between the day of the passing of the act, and the time of the declaration of the first election of councillors.

(2) See Order of Council, 11th of September last. As to qualification, see sections 28, 53, 80, ante p. xix, post p. xxx.

- Sec. 25. office, and the number is to be again immediately filled up by a new election. The aldermen going out of office (if then qualified) may be re-elected.

In the present year the whole number of aldermen are to be chosen by the "*councillors*," who are immediately after the election to appoint the half who are to go out of office in the year 1838. In every third succeeding year the half to go out of office are always to be those who have been longest in office without re-election.

Ib.

On the said 9th day of November, 1838, and in every third succeeding year, the "*council*," that is to say, the mayor, such of the aldermen as do not go out of office, and the councillors are to elect so many aldermen as may be necessary to supply the places of those then going out of office.

Ib.

Extraordinary vacancies.

In case of any extraordinary vacancy in the office of alderman by death or otherwise, it is within ten days to be filled up, on a day to be fixed by the mayor; and if a councillor is elected to fill the office of alderman, then the vacancy thereby occasioned is to be filled up in the manner already mentioned. The person elected to supply a vacancy will continue to hold the office until the time when the person in whose room he is chosen would at all events have gone out of office, and no longer.

Sec. 25.

Ib.

The mayor is to be elected by the "council," (1) that is to say, by the mayor, aldermen, and councillors, out of the *aldermen* or *councillors*. He is to be elected on the 9th day of November in every year, and to continue in office for one whole year.

He will be a justice of the peace during his year of office and the year next succeeding, and returning officer in cities and boroughs returning members to parliament, and not being counties of themselves, and he will be entitled to a salary. In case of a vacancy in the office by the refusal of a person elected to accept it, or by his death, or his ceasing to hold it, the "council," which in this case must mean the "aldermen and councillors," are within ten days after such vacancy to elect another fit person to be mayor for the remainder of the then current year.

The burgesses are, on the *1st day of March* in every year, to elect from the persons qualified to be councillors, two burgesses to be auditors, and two burgesses to be assessors of the borough, who are to continue in office until the 1st day of March in the

(1) The first mayor is to be elected on the 1st January, 1835, (Order in Council) at which time there will be no mayor or other chief officer in office, and the council to elect the first mayor must, therefore, as in case of an election, to supply an occasional vacancy, be such part of the council as shall then be in existence.

Sec. 37. following year. No person is eligible to be auditor or assessor, who is of the council, or town clerk, or treasurer.

Ib. The form and manner of election, and the proceedings to be had in the case of an occasional vacancy, will be the same as before mentioned with respect to councillors, except that a burgess is not allowed to vote for more than one person to be auditor, and one person to be assessor.

Auditors. The duties of the auditors are very important: they are to audit all the accounts of the corporation; to take care that proper vouchers are produced for all payments charged; and credit given, for all money received by the corporate officers; that no unauthorized payment is allowed to the treasurer; and generally to guard against any fraudulent or negligent misappropriation of the borough fund. See Sections, 59, 60, 93.

Assessors. The office of the assessors will be to act with the mayor in the revision of the burgess lists, and in the election of councillors, auditors, and assessors.—See Sections 18, 32, 35, 37.

Compulsory on persons selected to accept office. It is compulsory on every person elected to be a mayor, alderman, councillor, auditor, or assessor, to accept such office, if duly qualified, or (with the exceptions mentioned in the 51st section) to pay a fine in lieu thereof.

Every person elected a mayor, alderman, or councillor, or auditor, or assessor, must, before acting as such, make and subscribe a declaration of his acceptance of office, and a promise that he will faithfully fulfil the duties thereof, and (if he is qualified by estate only) that he is seised and possessed of real or personal estate, or both, as the case may be, to the amount required by the act; (1) and every mayor and other corporate officer must also, within one calendar month before, or upon admission to his office, make and subscribe the Declaration appointed to be made in lieu of taking the Lord's Supper, by the stat. of the 9th of Geo. 4, c. 17, s. 2. This declaration is to be made before the persons who, according to the charter or usages of the corporation ought to administer the oath of office, sec. 3.

Declaration of acceptance of office, and of qualification. Sec. 50. post p. 59.

Declaration in lieu of the sacramental test, 9 G. 4, c. 17, s. 2.

In addition to this Declaration, Protestant officers of corporations must take the Oaths

(1) This declaration is substituted for the oath of office usually hitherto taken by corporate officers. See an act passed in the last session of parliament (5 & 6 W. 4, c. 62,) for the substitution of declarations in lieu of oaths in a great number of cases. It has at length been deemed unnecessary to call God to witness on every the most trifling occasion. An act (5 & 6 W. 4, c. 62) received the royal assent on the same day as the act was under consideration, for authorizing the substitution of a declaration in lieu of an oath in a great number of cases. The public attention was very forcibly drawn to the subject of oaths a short time since, by a very able treatise from the pen of the Rev. James Endell Tyler, Rector of St. Giles' in the Fields.

of Allegiance, Supremacy, and Abjuration. See the Oath appointed to be taken by Roman Catholics, instead of the Oath of Allegiance, Supremacy, and Abjuration. (See also the last Annual Indemnity Act.)

10G. 4, c. 7.
sec. 2, 14.

Continuing
qualifica-
tion of
mayor, al-
dermen, &c.
Sec. 80.

Sec. 53.

Evidence
in action
for penalty.

The qualification in respect of estate, which is before mentioned, as required for the office of mayor, alderman, auditor, and assessor, is to be a continuing qualification. This is provided for, as to aldermen, by the latter part of the 80th section, which requires every alderman, if required in writing so to do, by any two members of the council, to subscribe a declaration of his qualification once in every period of three years; and, as to the mayor, aldermen, and councillors, auditors, and assessors, by section 53, which subjects each of them to a penalty of *fifty pounds*, if he shall act in his office without having made the before mentioned declaration, or without being duly qualified at the time of making the declaration, or *after he shall cease to be qualified*, according to the provisions of the act, or after he shall have become disqualified to hold such office.

The defendant in an action brought for this penalty, will be obliged to prove his qualification for the office, and the only evidence required on the part of the plaintiff will be, that the defendant has acted in such office. On the

other hand, the person bringing the action, must be a burgess of the borough, and must have served notice in writing of the intended action, personally on the defendant, *within fourteen days after the commission of the offence*, and furthermore, the defendant may, by a judge's order, compel the plaintiff to give security for the costs of the action, in the event of his failure therein; and the defendant is, in the same event, to receive his full costs of suit, as between attorney and client.

As to disqualification for the office of ^{Bank-}mayor, alderman, or councillor, by ^{ruptcy, &c.}bankruptcy, insolvency, composition by deed with creditors, and absence from the borough, —See section 52.

The council are to appoint a fit person, ^{Town clerk}not being a member of the council, to be ^{Sec. 58.}town clerk, who is to hold his office during pleasure: (1) and they are, *in every year*, to ^{Treasurer.}appoint another fit person, not being a member of the council, to be treasurer of the borough. See the duties of the treasurer, described in sections 59, 60. They may also appoint such

(1) The duties of this officer have been very various. He has, amongst other things, been in general the adviser of the corporation in the absence of the recorder; but his more peculiar duty is to act as clerk or secretary at corporate meetings. His appointment, has heretofore, been in most corporations *during his good behaviour*, but in some instances it has been *during pleasure only*.

other officers as have been usually appointed in the borough, or as they may think necessary, and may from time to time discontinue the same.

Other usual
officers.
Ib.

See the power given to the council to remove ministerial and executive officers, (section 65,) and as to the compensation to be assigned and secured to them. Sections 66 and 67.

Boroughs
to be di-
vided into
wards.
Sec. 39.

That I might not break through what appears to me the most convenient arrangement of the matter of this Introduction, I have hitherto omitted to mention an important part of the act, viz. that which provides for the division of certain boroughs of large population into wards. These boroughs are all in schedule (A.) of the act. The division is to be made by the barristers appointed to revise the burgess lists in this year.

Apportion-
ment of
councillors.
Sec. 40.

After making such division of a borough, the barristers are to apportion amongst the several wards thereof, the number of councillors assigned to such borough in schedule (A.) See further as to the power of the barristers in making the apportionment of councillors. Sections 40, 41. It will be observed, that the number of councillors to be assigned to each ward must always be a number divisible by three—the reason for which has been before mentioned, ante page xviii.

In a borough divided into wards, the burgesses in each ward are on the day fixed for the first (1) election of councillors, separately to elect the whole number of councillors assigned to such ward.

Election of
councillors.
Sec. 43.

On the first day of November, 1836, and in every succeeding year, one-third of the number of councillors of each ward will go out of office, and thereupon the burgesses are to elect the number required to supply the places of those so going out of office.

One-third
to go out
of office by
annual ro-
tation.
Sec. 43.

The ward councillors, when elected, will form part of the general body of councillors of the borough, apart from whom they will have neither duties nor power.

The burgesses in each ward are, on the 1st day of March, 1836, and in every succeeding year, separately to elect two assessors for such ward.

Assessors.
Sec. 43.

Every person elected a councillor or assessor in such ward, will hold his office for the same time that he would have held it, if he had been elected by the burgesses of the whole borough, and if the number elected in such ward had been the whole number for the borough.

Every such ward election first after such division into wards of any borough, is to be

Who is to
preside at
ward
elections.
Ib.

(1) In this year the 26th of December.

other to be performed by the aldermen and assessors of the ward ; but it must be remembered, that after the full number of councilors for the whole borough is once complete in any year, there can be no new election to supply an extraordinary vacancy, so long as the number remaining after such vacancy shall exceed *two-thirds of the whole number of the council of such borough.*

How the
council is
to act.

The new municipal constitution having been now described in considerable detail, it seems convenient to make a few brief observations on the mode in which the new governing body or council is to act, and on some of the principal duties to be performed by it :

1st. The council is to act in a body ; one or even a majority of the members of the members of the council having no power apart from the rest ; by which is meant not that every member must necessarily be present at every act done, but that every act must be done at a public meeting duly convened. At such a meeting the act of those present, or of a majority of those present, becomes the act of the whole council.

Meetings
of the coun-
cil.

Although it has long been a settled rule that reasonable notice must be given of all extraordinary corporate meetings to every person entitled to be present thereat, much litigation has been heretofore created, parti-

ward are to have the same power in regard to elections in their wards, as the mayor and assessors of a whole borough not divided into wards.

In the election of councillors and assessors, every burgess is to vote in that ward only, in which the property, for which he appears to be rated on the burgess roll, is situated. If he is rated in two or more wards, he is to elect in which of such wards he will be enrolled.

In what ward burgesses are to vote.
Sec. 44.

For the purpose of ascertaining who are the burgesses of any ward, the burgess roll is to be made out in alphabetical lists of each ward to be called Ward Lists.

Ward lists.
Sec. 45.

If a person be elected a councillor or assessor in more than one ward, he is, within three days after the notice thereof, to choose, or in his default, the mayor may declare for what ward he shall serve; and he will be held to be elected in such ward accordingly.

Proceeding to be had in case a person is elected in two wards at once.
Sec. 46.

In the case of an extraordinary vacancy in the office of councillor or assessor in any ward, the vacancy is to be supplied by the burgesses of the ward in the same manner in all respects as is before mentioned with respect to occasional vacancies in boroughs not divided into wards, except that the duties to be performed in the one case by the mayor and assessors of the borough, are in the

Occasional vacancies in the office of councillor and assessor in wards.

other to be performed by the aldermen and assessors of the ward ; but it must be remembered, that after the full number of councilors for the whole borough is once complete in any year, there can be no new election to supply an extraordinary vacancy, so long as the number remaining after such vacancy shall exceed *two-thirds of the whole number of the council of such borough.*

How the council is to act.

The new municipal constitution having been now described in considerable detail, it seems convenient to make a few brief observations on the mode in which the new governing body or council is to act, and on some of the principal duties to be performed by it:

1st. The council is to act in a body; one or even a majority of the members of the members of the council having no power apart from the rest; by which is meant not that every member must necessarily be present at every act done, but that every act must be done at a public meeting duly convened. At such a meeting the act of those present, or of a majority of those present, becomes the act of the whole council.

Meetings of the council.

Although it has long been a settled rule that reasonable notice must be given of all extraordinary corporate meetings to every person entitled to be present thereat, much litigation has been heretofore created, parti-

cularly in boroughs returning members to parliament, by the attempts of persons to procure the election of officers, or the transaction of other business at meetings composed of their own party clandestinely convened. This litigation has been greatly diminished by the operation of the parliamentary reform act, and it may be reasonably expected that few questions will arise as to the legality of meetings under this act, which is very explicit as to the occasions on which notice must be given, the manner of notice, the number requisite to constitute a meeting for the transaction of business, and the course of proceeding when the meeting is duly convened.

There are to be four quarterly meetings of the council in every year for the transaction of general business, one on the 9th day of November, and the other three on such days before the 1st day of November then next following, as the council shall at the quarterly meeting in November decide. Of these meetings, or of the business to be done there, no notice need be given. Quarterly meetings, Sec. 69.

The mayor may call as many other meetings of the council as he thinks fit, but notice thereof signed by him, must be fixed on or near the door of the town-hall three clear days before the meeting. If the mayor, on a requisition signed by five members of the council, re- Extraordinary meetings, Ib.

fuses to call a meeting, the five members may do so, giving such notice as aforesaid, signed by them instead of the mayor, and stating therein the business to be transacted. In every case, a summons, specifying the business to be transacted, signed by the town clerk, is to be left three clear days before the meeting at the usual place of abode of every member, or at the premises in respect of which he is enrolled a burgess.

Manner of
proceeding
at meetings,
Sec. 69.

All questions are to be decided by the majority of the members present at any meeting, the number present not being less than one-third part of the members of the whole council. The mayor, or in his absence, an alderman, or in the absence of all the aldermen, a councillor to be chosen for the purpose, is to preside, and to have a second or casting vote. The minutes are to be entered in a book and signed by the president, and to be opened to the inspection of any burgess, on payment of one shilling.

Powers and
duties of
the council.

All powers which the corporation at large might heretofore have lawfully exercised, may now be exercised by the council.

These powers are in some degree defined by the present act, and relate principally.—

1st. To the regulation of the police, and the general rule and government of the borough.

2d. To the management of the revenues of the corporation.

3d. To their duties as trustees for charitable and other purposes.

1st. For the purpose of preserving peace and order in the borough, the act gives the council the power of appointing a watch committee and constables, and numerous provisions relating to the watching, paving, lighting, cleansing, and supplying with water every borough, are contained in the sections from 75 to 88, inclusive. By the 75th section, trustees appointed under sundry acts of parliament for paving, lighting, cleansing, watching, regulating, supplying with water, and improving any borough or part thereof (not being beneficially interested, nor trustees for persons beneficially interested), may, *if it shall seem to them expedient*, at a meeting to be called for that purpose, transfer all the powers vested in them or such trustees to the body corporate of such borough, who will then be trustees for executing *by the council*, the several powers and provisions of such acts of parliament.

Powers
vested in
certain
trustees for
paving,
lighting,
&c. may be
transferred
to the
council.
Sec. 75.

See also the 87th section, which gives to the council the power to order parts of a borough not being within the provisions of a local act, for the lighting thereof to be included therein. And section 88, which authorizes the council to assume the powers of

inspectors under the 3 & 4 W. 4, c. 90, for lighting any part of a borough not within the provisions of a local act, for lighting the same.

Bye-laws. One of the means for preserving good rule and order in a borough is the power of making bye-laws. But the bye-laws relating to matters of police, have been rendered nearly inoperative by the inefficient means of enforcing their observance. This has generally been by the infliction of a pecuniary penalty, which the common law does not permit to be levied in a summary manner by the distress and sale of the offender's goods, and the amount has generally been much too small to make it worth the while of any person to proceed by action of debt.

Bye-laws for prevention of nuisances, &c. Sec. 90. This act authorizes the council of any borough (subject to the approbation of his Majesty in council in the manner therein mentioned), to make bye-laws, for the good rule and government of such borough, and to enforce the observance thereof by fines not exceeding 5*l.*, to be recovered in a summary

Secs. 91, 127, 129, 130. manner, by the process of summons, and conviction and distress and sale of the offender's goods. The requiring the sanction of his Majesty in council is a most valuable part of this enactment, as it may be expected to prevent a multiplicity of trifling, and perhaps harrassing bye-laws, and will moreover tend to render them more generally uniform and consistent.

As to punishment by summary conviction, see sections 127 to 132 inclusive.

2d. The council have the entire management and control of the borough fund, which will be composed of the rents and profits of estates, interest, and dividends of money of the securities; and of the fines and penalties paid into the borough treasury. Out of this fund, if sufficient, the council are to pay all charges thereon, all salaries to officers and other corporate expences, and if there is a surplus, it may, under certain restrictions, be bestowed on the improvement of the borough. If the fund is not sufficient for the purposes of the borough, then, and not otherwise, the council are required to estimate as correctly as may be, the amount that in addition to such fund, will be sufficient for the payment of the expences to be incurred in carrying this act into execution, and in order to raise the amount so estimated, the council are authorized and required to order a rate in the nature of a county rate, to be made within the borough.

See the powers for recovery thereof set out in section 92.

3d. With respect to real or personal estate, of which any body corporate, or any of the members thereof, either solely or together with any nominees thereof are seized or possessed, in trust for any charitable uses or trusts, a

Trustees for
charitable
purposes.
Sec. 71.

temporary arrangement is made, and such real or personal estate will continue in the persons who at the time of passing this act were trustees thereof, until the 1st day of August, 1836, or until parliament shall otherwise order.

Trustees for
other than
charitable
purposes.
Sec. 72.

In cases where any body corporate, or any of the members thereof, have before the first election of councillors been *ex-officio* sole trustees, other than for charitable purposes, the body corporate are to continue to act as trustees by the council of the borough.

As to the annual appointment of new trustees from the members of the council in certain cases. See section 73.

As to trustees for a
definite
number of
years.
Sec. 74.

Sec. 74.

Every member of any corporate body, or any nominee thereof, who at the time of passing the act was a trustee of such acts or trusts as last aforesaid for any definite number of years, or other shorter time, will continue to be such trustee until he would have ceased to be such if this act had not passed, and if he was a trustee for an indefinite time or for life, or for so long as he might be a member of such body corporate, then he will continue to be such until the 1st day of January, 1836.

The same provision is made in the case of any particular member or officer of a corporation, being appointed to perform any specific powers, duties, or functions under such act,

trust, deed, or will, for a definite term, or for life, or other indefinite term.

A member of the council appointed to be a trustee under the provisions of this act, will not cease to be such trustee by ceasing to be a member of the council.

The grant of a commission of the peace to certain select members of a corporation, with power to hold a court of quarter sessions, either with or without a concurrent jurisdiction on the part of the county justices, and the privilege of holding a court of record for the trial of civil actions, have very commonly formed part of modern charters. These courts of record are preserved, and where the judge is a barrister of five years their jurisdiction is increased.

With respect to a commission of the peace, it appears from the language of the schedules A. and B. annexed to the act, to be intended that certain boroughs are to have a commission of the peace, and that certain other boroughs are not to have a commission of the peace unless on a petition to and grant by the king; but the act is not very clear on this point, for although "a separate commission of the peace" and "a separate court of quarter sessions of the peace" are several times mentioned (see section 62, 100, 102,) Commission of the peace. Sec. 8.

Justices.
Sec. 98.

there is no section of the act which expressly states that any borough shall have a separate commission of the peace without a special application to the crown for it. It is, indeed, provided in section 98, that his Majesty may assign to so many persons as he shall think proper his commission to act as justices of the peace in and for each borough, and in and for each of the counties of cities and towns named in the said schedule A., and in and for such of the boroughs in the schedule B. to which his Majesty may be pleased, upon the petition of the council thereof, to grant a commission of the peace, but it does not seem that these justices are to have a *separate* commission, so as to exclude the county justices.—(See section 111.)

Quarter
sessions,
Sec. 103.

By section 103, it is enacted that the council of every borough, which shall be desirous *that a separate court of quarter sessions of the peace shall be or continue to be holden in and for such borough*, shall signify the same by petition to his Majesty in council, setting forth the grounds of the application, the state of the gaol, and the salary which they are willing to pay to the recorder; and that it shall be lawful for his Majesty, *if he shall be pleased thereupon to grant that a separate court of quarter sessions of the peace shall be thenceforward holden in and for such*

borough, to appoint for such borough a fit person, being a barrister at law, &c., to be the recorder of such borough.

It is provided, that in every borough in which a separate court of general or quarter sessions of the peace is now held, and of which the present recorder, or deputy recorder is a barrister of five years' standing, such recorder, or deputy recorder, being qualified as aforesaid, shall be continued or appointed recorder under the provisions of this act. There are, however, boroughs in schedule B. which at present have a separate court of quarter sessions and a recorder, but it appears from the title prefixed to that schedule, that it is not intended to continue the court of quarter sessions to those boroughs as a matter of course.

By section 105, the recorder of every borough is to hold a court of quarter sessions of the peace in and for such borough, of which court he is to be the sole judge.

In boroughs to which a separate court of quarter sessions of the peace is not assigned, the justices of the county in which they are situated will have jurisdiction as fully as in any other part of the same county.

Sec. 111.
Jurisdiction
of county
justices.

A popular error has prevailed, that every borough to which a separate commission of the peace is granted, is henceforth to be entirely exempted from county rate.

This error is believed to have originated from a hasty perusal of section 112, but on reference to sections 113, 114, 117, it will be found, that a borough after bearing its own particular expences, and the expence of prosecutions at the assizes for felonies and misdemeanours committed, or supposed to be committed in the borough, will also have to bear its due proportion of the county expenditure for general purposes.

County
rate.

As to sale
of advow-
sons, &c.
Sec. 139.

King em-
powered to
grant char-
ters.
Sec 141.

There are two other important sections, to which it is sufficient to draw attention, viz. section 139 which relates to the sale of any advowson, right of nomination or presentation to any benefice, or ecclesiastical preferment vested in any corporate body; a provision which seems calculated to remove one great obstacle to the free admission of Dissenters into corporations; and section 141, which empowers his Majesty in council, on the petition of the inhabitant householders of any town or borough in England and Wales, to grant them a charter of incorporation, with the powers and provisions contained in this act: powers and provisions more extensive than the common law permits the King alone to confer on any number of his subjects.

The foregoing observations have extended to a greater length than the writer intended when he commenced his task; but in the

course of his progress he found it impossible, without a sacrifice of perspicuity, to be more brief. He has adverted, if not to all, yet he trusts to the most important points of the act, and if the doubts of any entrusted with its administration or interested in its provisions be removed, his object will be attained.

Municipal Corporation Act.

5 & 6 W. 4, c. 76.

An Act to provide for the Regulation of Municipal Corporations in England and Wales.

[9th September, 1835.]

WHEREAS divers bodies corporate at sundry times have been constituted within the cities, towns, and boroughs of England and Wales, to the intent that the same might for ever be and remain well and quietly governed; and it is expedient that the charters by which the said bodies corporate are constituted should be altered in the manner herein-after mentioned; be it therefore enacted by the king's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of all laws, statutes, and usages, and so much of all royal and other charters, grants, and letters patent now in force relating to the several boroughs named in the schedules (A.) and (B.) to this act annexed, or to the inhabitants thereof, or to the several bodies or reputed bodies corporate named in the said

Repeal of all acts, charters, and customs inconsistent with this act.

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Repeal of all acts, charters, and customs inconsistent with this act.

schedules, or any of them, as are inconsistent with or contrary to the provisions of this act, shall be and the same are hereby repealed and annulled.

Repeal of inconsistent Laws, &c.

This section repeals so much of all laws, &c. relating to the boroughs named in the schedules A. and B. to the act annexed, or to the inhabitants thereof, or to the several bodies corporate of such boroughs as is inconsistent with or contrary to the provisions of this act. By this it is implied that such of the existing laws, &c., relating to these boroughs, as are not inconsistent with the act are to be preserved. This clause, taken by itself, would cause an immediate repeal and annulling of the inconsistent parts of such laws, charters, &c., but its effect is qualified by the subsequent parts of the act : thus, it is enacted in sec. 6, that "*after the first election of councillors, in any borough,*" the body corporate named in the schedules A. and B., in connection with such borough, shall take and bear the name of the mayor, aldermen, and burgesses of such borough, which shews that all the existing bodies corporate named in the said schedules are intended to continue in their present form until that event.

Reservation
of all rights
of property
and benefi-
cial exemp-
tions to free-
men, their
wives and
children.

II. And whereas in divers cities, towns, and boroughs, the common lands and public stock of such cities, towns, and boroughs, and the rents and profits thereof, have been held and applied for the particular benefit of the citizens, freemen and burgesses of the said cities, towns, and boroughs respectively, or of certain of them, or of the widows or kindred of them, or certain of them, and have not been applied to public purposes ; be it therefore enacted, that every person who now is or hereafter may be an inhabitant of any borough, and also every person who has been admitted or who might hereafter have been admitted a freeman or burgess of any borough if this act

had not been passed, or who now is or hereafter may be the wife or widow, or son or daughter of any freeman or burgess, or who may have espoused or may hereafter espouse the daughter or widow of any freeman or burgess, or who has been or may hereafter be bound an apprentice, shall have and enjoy and be entitled to acquire and enjoy the same share and benefit of the lands, tenements, and hereditaments, and of the rents and profits thereof, and of the common lands and public stock of any borough or body corporate, and of any lands, tenements, and hereditaments, and any sum or sums of money, chattels, securities for money, or other personal estate, of which any person or any body corporate may be seised or possessed in whole or in part for any charitable uses or trusts, as fully and effectually, and for such time and in such manner, as he or she by any statute, charter, bye law, or custom in force at the time of passing this act might or could have had, acquired, or enjoyed in case this act had not been passed: Provided always, that the total amount to be divided amongst the persons whose rights are herein reserved in this behalf shall not exceed the surplus which shall remain after payment of the interest of all lawful debts chargeable upon the real or personal estate out of which the sums so to be divided have arisen, together with the salaries of municipal officers, and all other lawful expenses which, on the fifth day of June, were defrayed out of or chargeable upon the same: Provided also, that nothing hereinbefore contained shall be construed to apply to

any claim, right, or title of any burgesses or freemen, or of any person, to any discharge or exemption from any tolls or dues levied wholly or in part by or to the use or benefit of any borough or body corporate; and that after the passing of this act no person shall have or be entitled to claim thenceforward any discharge or exemption from any tolls or dues lawfully levied in whole or in part by or to the use of any body corporate, except as herein-after is excepted: Provided nevertheless, that every person who, on the fifth day of June in this present year, was an inhabitant, or was or was entitled to be admitted a freeman or burgess of any borough, or who on the said fifth day of June was the wife or widow, son or daughter of any freeman or burgess of any borough or who on the said fifth day of June was bound an apprentice, shall be entitled to have or acquire and enjoy the same discharge or exemption from any tolls or dues lawfully levied in whole or in part by or to the use of any borough or body corporate as fully and for such time and in such sort as he or she, by any statute, charter, bye-law, or custom in force on the said fifth day of June, might or would have had, acquired, and enjoyed the same if this act had not been passed, and no further or otherwise: Provided also, that where, by any statute, charter, bye law, or custom in force within any borough at the time of passing this act, any person whose rights in this behalf are herein reserved would have been liable in case this act had not been passed to pay any fine, fee or sum of money to any body corporate, or to any

member, officer, or servant of any body corporate, in consideration of his freedom, or of his or her title to such rights as are herein reserved, no such person shall be entitled to have or claim any share or benefit in respect of the rights herein reserved as aforesaid until he or she shall have paid the full amount of such fine, fee, or sum of money to the treasurer of such borough, appointed under the provisions of this act, on account of the borough fund herein-after mentioned : Provided also, that nothing in this act contained shall be construed to entitle any person to any share or benefit of the rights herein reserved who shall not have first fulfilled every condition which, if this act had not passed, would have been a condition precedent to his or her being entitled to the benefit of such rights, so far as the same is capable of being fulfilled according to the provisions of this act, or to strengthen, confirm, or affect any claim, right, or title of any burgesses or freemen of any borough or body corporate, or of any person, to the benefit of any such rights as are herein-before reserved, but the same in every case may be brought in question, impeached, and set aside in like manner as if this act had not been passed.

III. Provided always, and be it enacted, That No freedom to be acquired by gift or purchase. from and after the passing of this act no person shall be elected, made, or admitted a burgess or freeman of any borough by gift or purchase.

IV. And whereas the right of voting in the election of members to serve in parliament was by an act

passed in the second year of the reign of his present Majesty, intituled *An act to amend the representation of the people of England and Wales*, preserved to all persons who then were or thereafter might become freemen or burgesses of any city or borough, subject to the conditions and provisions in that act contained; be it therefore enacted, That every person who if this act had not been passed would have enjoyed, as a burgess or freeman, or might hereafter have acquired, in respect of birth or servitude, as a burgess or freeman, the right of voting in the election of a member or members to serve in parliament for any city or borough, shall be entitled to enjoy or acquire such right of voting as fully as if this act had not been passed; and the town clerk of every city or borough returning a member or members to parliament shall at all times hereafter do and perform all things appertaining to the due registration of the freemen or burgesses of such city or borough according to the provisions of the said act.

Reservation
of the Par-
liamentary
franchise to
freemen.

Freemen's
Roll to be
made out
and kept by
the town
clerk.

V. And be it enacted, That the town clerk of every borough shall on or before the first day of December next make out a list, to be called "The Freemen's Roll," of all persons who at the time of the passing of this act shall have been admitted as burgesses or freemen of such borough; and that whenever any person shall hereafter become entitled to be admitted a burgess or freeman for the purposes aforesaid of such borough in respect of birth, servitude, or marriage, and shall claim to be admitted accordingly, the mayor of such

borough shall examine into such claim, and upon such claim being established every such person shall thereupon be admitted and enrolled by the town clerk of such borough upon the freemen's roll ; and the town clerk shall keep a true copy of such roll, to be perused by any person without payment of any fee at all reasonable times, and shall deliver a copy thereof to any person requiring the same, on payment of a reasonable price for such copy.

VI. And be it enacted, That after the first elec-

It will be seen by the foregoing sections, that freemen and burgesses are still to be permitted to exist as a separate body for certain purposes ; i. e., for the enjoyment of rights of property, &c., and the privilege of voting for members of parliament secured to them by sections 2 and 4 ; but the future admission to this separate body is confined to those who shall become entitled *in respect of birth, servitude, or marriage*, and no person is to be admitted by gift or purchase.

In order to perpetuate their succession, a list is to be made by the town clerk of every borough of all those who at the time of passing this act had been admitted as burgesses or freemen ; to which list are to be added those who shall hereafter establish a claim to be admitted in respect of *birth, servitude, or marriage*. This list is to be called " The Freemen's Roll," to distinguish it from the " Burgess Roll" hereafter mentioned ; see sec. 22.

The mayor is to examine the claims. If he wrongfully refuses to admit a person, the remedy will, it is conceived, be as heretofore, by an application to the court of King's Bench for a writ of mandamus to compel him to do so.

This roll will form a general register of all the freemen in the borough, not distinguishing those entitled to vote for members of parliament.

The duties of town clerks as to making lists of those burgesses or freemen who are entitled to vote for members of parliament are specified in 2 W. 4, c. 45. s. 46, &c.

Corpora-
tions to be
styled mayor
aldermen,
and bur-
gesses.

tion of councillors under this act in any borough the body or reputed body corporate named in the said schedules in connection with such borough shall take and bear the name of the mayor, aldermen, and burgesses of such borough, and by that name shall have perpetual succession, and shall be capable in law, by the council herein-after mentioned of such borough, to do and suffer all acts which now lawfully they and their successors respectively may do and suffer by any name or title of incorporation; and the mayor of each of the said boroughs shall be capable in law to do and suffer all acts which the chief officer of such borough may now lawfully do and suffer, so far as the same respectively are not altered or annulled by the provisions of this act.

New name of Incorporation.

The effect of this clause, taken in connection with the repeal clause, is not to destroy the present, and to erect corporations entirely new, but to change the style and form of the present corporations, so that all the rights, possessions, privileges, immunities, and liabilities of the existing bodies corporate will continue in them under their new form of incorporation:—thus, after the first election of councillors, the mayor, bailiffs, and burgesses of the borough of Abingdon will become “the mayor, aldermen, and burgesses of the borough of Abingdon.” It will be the same corporate body, under a new name and form of government. This sufficiently appears from the form of pleading used by a corporation whose name has been changed within time of memory, in claiming any prescriptive right. The corporation must not prescribe by their new name, but by their ancient name, until such a time (when it was changed), and then by their new name, *Mellor v. Spateman*, 1 Saund. 340, 343, a. note; see also the cases collected in *Kyd on Corporations*, vol. 1 p. 230, &c.

“By that name shall have perpetual succession.”

A certain name, perpetual succession by that name, and capacity to receive and grant, and otherwise act in that name, are essential qualities of a corporation.

It is a privilege of every corporation aggregate to have a common seal; and although it is not mentioned in this act, every corporation in the schedules A. and B. may either adopt the common seal heretofore used, if it has not an impression inconsistent with its name of mayor, aldermen, and burgesses; or may make a new one; sec. 10, Co. Rep. 306. It is by affixing its common seal that a corporate body expresses its assent to acts between itself and third persons. It will be observed, that the corporation is "to do and suffer all acts" by the *council*. By this the council becomes the governing body. The council is to act, but it must act in the name of the whole corporation, except in cases where it is expressly authorized to act in its separate capacity, of which there are many instances in this act.

The council is to consist of the mayor, aldermen, and councillors for the time being; see post, sec. 25. As to the power of making bye-laws, see post, sec. 90.

VII. And be it enacted, That after the passing of this act the metes and bounds of the several boroughs named in the first section of the said schedules (A.) and (B.) for the purposes of this act shall be the same as the limits thereof respectively settled and described in an act passed in the second and third year of the reign of his present majesty, intituled, *An act to settle and describe the divisions of counties and the limits of cities and boroughs in England and Wales, so far as respects the election of members to serve in parliament*; and the metes and bounds of the several boroughs named in the second section of the said schedules for the purposes of this act shall be and remain as the same are now taken to be until such time as parliament shall otherwise direct: Provided nevertheless, that notwithstanding any thing here-

Boundaries of certain boroughs to be those settled by 2 & 3 W. 4, c. 64.

Boundaries of other boroughs to remain until altered by parliament.

in contained no parish or place, or part of any parish or place, which is detached from the main part of such borough or county of a city or town corporate, shall after the passing of this act be included within any such borough or county : and, subject to this provision, the metes and bounds of every such borough and county shall include the whole of the liberties of such borough or county by land and by water as the same now are or are taken to be.

Every place included within the bounds of a borough to be part of such borough.

Parts cut off from the borough to be declared part of adjoining county.

VIII. And be it enacted, That every place and precinct which shall be included within the metes and bounds of any borough as herein-before provided, and none other shall be part of such borough, and in those boroughs which are counties of themselves shall be part of such county and of none other ; and in every case in which the metes and bounds of any borough or county under the provisions of this act shall not include any place or precinct which before the passing of this act was part of such borough or county, such place or precinct shall thenceforward be taken to be part of the county wherein such place or precinct is situated, or with which it has the longest common boundary ; Provided nevertheless, that if any such place or precinct shall have been liable before the passing of this act to contribute to any rate made for the purpose of satisfying any lawful debt to which the rate-payers of such borough or county were liable to contribute before the passing of this act, and in case any difference shall arise concerning the proportion of such debt as ought therefore

to be paid and contributed in respect of such place or precinct, it shall be lawful for the senior justice of assize for the county of which such place or precinct shall thenceforward be taken to be part, on his circuit, on the application of the council of such borough, or of the chairman of a public meeting of the rate-payers of such place or precinct, to appoint, by writing under his hand, a barrister not having any interest in the question, to arbitrate between the parties, and by his award under his hand and seal to assess the proportion, if any, of such debt as ought therefore to be paid and contributed in respect of such place or precinct; and such arbitrator shall also assess the costs of the arbitration, and shall direct by whom, and in what proportion, and out of what fund, the same shall be paid; and such rate as aforesaid shall continue to be levied by warrant of the council of such borough, and paid by such place or precinct, as if this act had not passed, until such proportion shall have been fully paid and satisfied to the treasurer of the borough, and no longer: Provided nevertheless, that every county gaol, house of correction, or lunatic asylum, court of justice, or judge's lodging, which at the time of the passing of this act is taken to be for any purpose within any county, shall still, for all such purposes, be taken to be within such county, any thing herein contained to the contrary notwithstanding.

IX. And be it enacted, that every male person of full age who on the last day of August in any year shall have occupied any house, warehouse, counting-house, or shop within any borough

Occupiers of houses and shops rated for 3 years to the relief of the poor, entitled to

be burgesses if resident householders within seven miles. during that year and the whole of each of the two preceding years, and also during the time of such occupation shall have been an inhabitant householder within the said borough, or within seven miles of the said borough, shall, if duly enrolled in that year according to the provisions herein-after contained, be a burgess of such borough and member of the body corporate of the mayor, aldermen, and burgesses of such borough: Provided always, that no such person shall be so enrolled in any year, unless he shall have been rated in respect of such premises so occupied by him within the borough to all rates made for the relief of the poor of the parish wherein such premises are situated during the time of his occupation as aforesaid, and unless he shall have paid on or before the last day of August as aforesaid all such rates, including therein all borough rates, if any, directed to be paid under the provisions of this act, as shall have become payable by him in respect of the said premises, except such as shall become payable within six calendar months next before the said last day of August. Provided also, that the premises in respect of the occupation of which any person shall have been so rated need not be the same premises or in the same parish, but may be different premises in the same parish, or in different parishes: Provided also, that no person being an alien shall be so enrolled in any year, and that no person shall be so enrolled in any year, who within twelve calendar months next before the said last day of August shall have received parochial relief or other alms, or any pension or charitable allowance from any fund

Aliens and persons who have received parochial relief not to be enrolled.

intrusted to the charitable trustees of such borough herein-after mentioned: Provided that in every case provided in this act the distance of seven miles shall be computed by the nearest public road or way by land or water.

Who are to be Burgesses.

No person can be a burgess unless he is duly enrolled. The requisites of qualification, in order to be enrolled as a burgess in any borough mentioned in schedules A. and B. are,

1, The having, on the last day of August in any year, occupied a house, warehouse, counting-house or shop, within the borough during that year, and the whole of each of the two preceding years, that is to say, for two years and eight months, immediately preceding the said thirty-first day of August.

2, The having during the same time been an inhabitant householder within the borough, or within seven miles thereof.

3, The having been rated in respect of such premises so occupied by him within the borough to all poor rates made for the relief of the poor of the parish wherein such premises are situated, during the time of his occupation as aforesaid.

4, The having paid on or before the 31st day of August, all such rates (including all borough rates, if any directed to be paid under the provisions of this act) as became payable on or before the preceding 1st of March.

To consider these requisites of qualification in order,
1,—The occupation must be of a house, warehouse, counting-house or shop.

House.—A house is generally understood to be a building intended for habitation. One entire building may be divided into several dwelling-houses, as chambers in inns of court, which have one common stair-case, and one common passage open to the air, but no internal communication; and it seems that these chambers would not cease to be several dwelling-houses, although the common passage were closed by an outer entrance door, common to all the chambers. See the case of Archer and Gun, and of Mr. Robson, cited from Smee's collection of Cases and Opinions, in the notes of Perry and Knapp, Election Cases, p. 209. Casey's case, 1 Perry and Knapp, 206, seems contra, but note

that in the last-mentioned case the landlord occupied part of the building in question, which distinguishes it from the other two in each of which the landlord occupied no part of the premises.

It has even been held that every separate apartment of a house let into lodgings (the landlord not occupying any part of the house) is the dwelling-house of its occupier. See the case of *Carrell*, and other cases collected in 2 East's Pleas of the Crown, c. 15, ss. 18 and 19; and Russell on Crimes, vol. 2, p. 14, &c. But where a person living in a house lets off a room in it, this room, unless entirely cut off from the rest of the building, is but a *lodging*, and the whole house is considered in law as the dwelling-house of the landlord; see *R. v. North Collingham*, 1 B. & C. 578; *R. v. Datchet*, 9 B. & C. 185.

2.—*Warehouse, Counting-house, or Shop.*

In the Reform Act, 2 W. 4, c. 45, s. 27, after warehouse, counting-house, or shop, follow the words "*or other building.*" Under the words "*other building,*" the occupation of small sheds, and all kinds of insignificant erections which could hardly have been contemplated by the legislature in framing that act, has been held to give a right to vote. To avoid this inconvenience, these words have been omitted. The words, warehouse, counting-house, or shop, seem sufficiently plain, but questions will nevertheless probably arise as to what is a sufficiently exclusive occupation of a warehouse, counting-house, or shop, to confer a right to be enrolled as a burgess. Will the occupation by an under tenant of a warehouse, &c. forming part of a dwelling-house, in which his landlord lives, and not having a separate entrance-door, give such a right to the under-tenant? I think it very doubtful, but it will be more convenient to discuss this when I consider who may demand to be rated. See note to sec. 11.

The occupation may be either joint or several, and there may be a successive occupation of different premises in different parishes; but there must not be any the least interval of time between the several occupations.

Inhabitant Householder.

I consider these words to mean a person occupying a dwelling-house, and residing within the borough, or within the prescribed distance thereof. This interpretation of the words "*Inhabitant Householder,*" is in accordance with the cases of *Rex v. Hall*, 1 B. & C. 123; *Rex v. Poynder*, 1b. 178, and *Rex v. Adlard*, 4 B. & C.

772. The residence must be *bona fide*, but it need not be a continued and uninterrupted personal residence. An occupation of a house by a wife or servant, with occasional visits to it at intervals by the master of the family, according as it may suit his convenience, will be a sufficient residence, and I know of no distinction to be made in this respect between an interval of a day, or week, or a month.

A man may be an inhabitant in two or more places at the same time, as is very commonly the case with members of parliament and others, who have both a town and a country residence. It must, however, be observed, that a person, in order to be considered an inhabitant householder, during his personal absence from a place, must not *abandon* his dwelling for any time, however short; for if he shuts up his house and leaves it *with an intention not to return*, he from that moment ceases to be an inhabitant householder there; and notwithstanding he should *change* his mind, and return there within a week or less from the time of his leaving it, his subsequent inhabitancy cannot be connected with his former inhabitancy, so as to qualify him to be a burgess under this act. See the cases collected in Rogers on Elections, 1st. edit. p. 161, &c.

Within seven miles.

The distance is to be measured from the place of abode to the nearest part of the boundary line of the borough. In extensive boroughs, the measuring the distance to the boundary line, instead of the place of election, has the effect of extending the limit of residence to a great distance. In the borough of Wenlock, a voter may reside upwards of twenty miles from the place of election.

The road or way may be by land or water, but must be *public*, therefore a private right of way over another man's land cannot be made use of in reckoning the distance.

Shall have been rated.

The rating must be in respect of the premises occupied by the party within the borough, and the party must have been rated to all rates made for the relief of the poor of the parish in which the premises are situated, during the time of his occupation.

The question as to what is a sufficient rating has been frequently discussed in the court of King's Bench, on cases of settlement under the stat. 3 Wm. 3, c. 11, which gives a settlement to "any person who shall

come to inhabit in any town or parish, and shall be charged with and pay his share towards the public taxes or levies thereof."

On this statute it has been held, that where a tenant paid all the rates in respect of a tenement occupied by him; but the name of a former tenant was kept in the rate-books, he was not sufficiently rated; *Kimver v. Kingswinford*, 2 Nolan, P. L. 110, 3d. edit. So where the landlord was charged, but the tenant paid the rate, *Rex v. Sarratt*, Burr. S. C. 73.

So when the name of the tenement was mentioned in the rate, but not the name of the tenant; *Rex v. Llangammarch*, 2 T. R. 62.

There are cases in which a much less strict mode of rating has been considered sufficient; see *Rex v. Walsall*, Cald. Rep. 35; *Rex v. Hardmondwick*, Dougl. Rep. 564; but it may be observed, that the cases last mentioned appeared to have been decided on the ground that the rating and payment gave sufficient notice to the parishioners of the residence of the party in the parish, which was one great object of the statute of the 3d W. 3, c. 11, rather than on a strict interpretation of its language. I venture to submit, that the strict interpretation adopted in the three first cited cases is correct. It must be remembered that a poor-rate is a charge on the *person*, in respect of his property; the person, therefore, should be expressly named, or sufficiently designated. The question to be asked, in a case of doubtful rating, appears to me to be, Is the person intended to be rated so charged as to justify a distress upon him, in case of his refusal to pay, if so, he is sufficiently rated for the purpose of being enrolled as a burgess?

If the foregoing observations are correct, it will follow, that although several partners may be rated in the name of the firm, as for instance, "*Johnson & Co.*," yet the mention of one partner only in the rate cannot include the other,—thus, a rate on "*John Johnson*" cannot include his partner, "*William Johnson*."

I think it is a good rule of construction, and one which is now generally used, to adopt in all cases the plain and obvious meaning of words in a statute, unless there is something in the act which necessarily leads to a different interpretation; moreover, there is less reason for departing from the strict interpretation in the present case, inasmuch as the party intended to be rated has at all times the power of procuring the correction of any error. See s. 11.

Payment.

A tender of payment to one of the overseers is sufficient. It has even been held by some revising barristers that calling at a collector's house with the means and intention to pay, the collector not being at home, is sufficient to excuse the non-payment. But this last interpretation, if generally adopted, would give rise to great fraud; I know no reason why the rule of law with respect to the payment of poor-rates should be different from that which prevails with respect to the payment of other debts. A payment made by a third party, on behalf of the person rated is a sufficient payment by him. See *Rex v. Lower Heyford*, 1 Barnw. and Adolph. 75.

As shall have become payable.

It has been suggested by Mr. Sewell, in his *Manual of the Law and Practice of Registration*, p. 67, &c. that rates are not payable until demanded: but I believe it is the prevailing opinion at the bar that rates are payable as soon as allowed; and I think that besides the argument which may be raised on the strict meaning of the word "payable," as applied to poor-rates, the exception from the rates required to be paid, of those which have become payable within six calendar months before the last day of August, is strongly in favour of the construction, as showing the intention of the legislature to mitigate the severity of the enactment. Moreover, the word, "payable" is evidently used in the sense above adopted in the 11th section of this act.

Causes of Disqualification.

The only causes of disqualification mentioned in this section are the being an alien, that is to say, a person born out of the King's allegiance, and the having within twelve calendar months next before the said last day of August received parochial relief or other alms, or any pension or charitable allowance from any fund intrusted to the charitable trustees of the borough. As to disqualification by conviction of bribery. See post sec. 54.

Parochial Relief or Other Alms.

Other alms must mean alms of a like nature as parochial relief, that is to say of a public nature, so that the receipt of private charity will not disqualify. As to what charities are considered private, and what public, see a collection of cases in Mr. Roger's *Law of Election*, p. 90. et. seq. In the case of *Hedon*, 25 Journ. 275, cited by Mr. Rogers, p. 93, it was resolved by the house that the receipt of sacrament money does not disqualify.

As to parochial relief it has been held on questions as to the right to vote for members of parliament, that relief to any part of a voter's family which he is bound to support is in effect relief to the voter himself. See 1 Peckwell, 72, 373, 508.

A distinction has been made between extraordinary relief afforded by medical attendance at the parish expense in case of accidents, or some extraordinary calamity, as the breaking out of a contagious disease, and relief afforded under ordinary circumstances. See Colchester case, 1 Peck, 548; Cirencester case, 2 Fraser, 453; but the Bedford Committee held that pecuniary relief afforded by the parish to a voter whilst afflicted with cholera, disqualified him. 1 Perry and Knapp, 130, 132. By the next section persons receiving medical or surgical assistance given by the charitable trustees of any borough, or whose children may have been admitted to any endowed or public school are declared not to be disqualified.

Medical assistance or instruction in endowed schools not to be a cause of disqualification.

X. And be it enacted, That no medical or surgical assistance given by the charitable trustees of any borough shall be taken to be such charitable allowance as shall disqualify any person from being enrolled a burgess as aforesaid; nor shall any person be so disqualified by reason that any child of such person shall have been admitted and taught within any public or endowed school.

Occupiers may claim to be rated

XI. And be it enacted, That in every borough it shall be lawful for any person occupying any house, warehouse, counting-house, or shop to claim to be rated to the relief of the poor in respect of such premises, whether the landlord shall or shall not be liable to be rated to the relief of the poor in respect thereof; and upon such occupier so claiming, and actually paying or tendering the full amount of the last made rate then payable in respect of such premises, the overseers of the parish in which such premises are situate are here-

by required to put the name of such occupier upon the rate for the time being; and in case such overseer shall neglect or refuse so to do such occupier shall nevertheless, for the purposes of this act, be deemed to have been rated to the relief of the poor in respect of such premises from the period at which the rate shall have been made in respect of which he shall have so claimed to be rated as aforesaid: Provided always, that where by virtue of any act of parliament the landlord shall be liable to the payment of the rate for the relief of the poor in respect of any premises occupied by his tenant, nothing herein contained shall be deemed to vary or discharge the liability of such landlord, but in case the tenant who shall have been rated for such premises in consequence of any such claim as aforesaid, shall make default in the payment of the poor's rate payable in respect thereof, such landlord shall be and remain liable for the payment thereof in the same manner as if he alone had been rated in respect of the premises so occupied by his tenant.

Remedy for Persons omitted in the Rate.

This section differs from s. 30, in the act of 2 W. 4. c. 45, which requires the person claiming to be rated in respect of any house, &c., to tender or pay the full amount of the rate or rates, if any, then due in respect thereof, whereas section 11, of this act only requires the tender or payment to be of the amount of the *last made rate then payable*. In each act the occupier is required to be placed upon the rate *for the time being*, and he is to be deemed to be rated from the period of *making the rate*, in respect of which he shall have so claimed, but note, the claim and payment must be made on or before the 31st August, in order to entitle him to be registered in the following October.

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... and be it enacted, That no medical ...
... assistance given by the charitable ...
... shall be taken to be such ...
... shall disqualify any person ...
... a burgess as aforesaid; and ...
... be so disqualified by reason ...
... such person shall have been admitted ...
... within any public or endowed school ...

... And be it enacted, That in every ...
... shall be lawful for any person occupying ...
... warehouse, counting-house, or ...
... be used to the relief of the ...
... such premises, whether the ...
... be rated to ...
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... which such premises are ...

the occupancy thereof by the person from or by whom such house, warehouse, counting-house, or shop shall have so come to him, as his own occupancy and rating conjointly with the time during which he shall have since occupied and been rated for the same, and shall be entitled to be enrolled a burgess in respect of such successive occupancy and rating, provided he shall be otherwise qualified as herein provided.

In order to have the benefit of this section, the occupier and the person through whom he claims must together have fulfilled all the conditions of the 9th section. Thus, if a woman who has occupied a house in a borough for two years and three months and has been duly rated, &c., during that time, marries a man who goes into the occupation of the same house, he may reckon the two years and three months as part of the time of occupation and rating necessary to qualify him to be a burgess. But it seems that if the person through whom a party claims has occupied several houses in succession, the party claiming can only take advantage of the occupation and rating of the house which actually comes to him by marriage, &c.

XIII. And be it enacted, that after the passing of this act no person shall be enrolled a burgess of any borough, for the purpose of enjoying the rights conferred for the first time by this act, in respect of any title other than by occupancy and payment of rates within such borough, according to the meaning and provisions of this act.

No new burgesses to be admitted who are not qualified under this act.

"Rights conferred for the first time by this Act."

That is to say, the privilege of being a member of the body corporate, including the right of voting for, and the capacity of being elected a councillor, &c. As to the qualifications requisite to become a burgess, see ante, sec. 9, and note. As to the Burgess Roll, see post, sec. 22.

Exclusive
rights of
trading
abolished.

XIV. And whereas in divers cities, towns, and boroughs a certain custom hath prevailed, and certain bye-laws have been made, that no person, not being free of a city, town, or borough, or of certain guilds, mysteries, or trading companies, within the same, or some or one of them, shall keep any shop or place for putting to shew or sale any or certain wares or merchandize by way of retail or otherwise, or use any or certain trades, occupations, mysteries, or handicrafts for hire, gain, or sale within the same; be it enacted, that notwithstanding any such custom or bye-law, every person in any borough may keep any shop for the sale of all lawful wares and merchandizes by wholesale or retail, and use every lawful trade, occupation, mystery, and handicraft, for hire, gain, sale, or otherwise, within any borough.

The statute of the 5th Eliz. c. 4, which amongst other provisions for the regulation of artificers, labourers, servants in husbandry, and apprentices, enacted, (sec. 31.) "that it should not be lawful for any person to set up, occupy, use, or exercise any craft, mystery, or occupation, then used or occupied within the realm of England or Wales, except he should have been brought up therein seven years at least as an apprentice," combined with the customs and bye-laws alluded to in the above section, had the effect of restraining, to a great degree, the number of persons who could lawfully exercise any occupation, or carry on any trade or business. These customs and bye-laws consequently produced great litigation. See the statutes and cases collected in the second volume of Kyd on Corporations, p. 125, et seq. So much of the statute of Elizabeth as is above set forth was repealed by the 54 G. 3, c. 96, and if the operation of the present enactment were general, there would not be, as far as I am aware, any restraint at all on the more ordinary pursuits of industry. But by the interpretation clause, the word "borough" is to be construed to mean any city, borough, &c., named in one of the schedules, A. and B. so that

the restraint by means of custom and bye-laws will still exist in the city of London, and smaller places not included in the schedules A. and B.

XV. And be it enacted, That on the fifth day of September (1) in every year the overseers of the poor of every parish wholly or in part within any borough shall make out an alphabetical list, to be called "The Burgess List," according to the form number 1, in the schedule (D.) to this act annexed, of all persons who shall be entitled to be enrolled in the burgess roll of that year, according to the provisions of this act, in respect of property within such parish; and the overseers shall sign such burgess lists, and shall deliver the same to the town clerk of the borough on the said fifth (2) day of September in every year, and shall keep a true copy of such lists, to be perused by by any person, without payment of any fee, at all reasonable hours between the (3) fifth and fifteenth days of September in every year; and the town clerk shall forthwith cause copies to be printed of all overseers' lists delivered to him, and shall deliver a copy of all such lists to any person requiring the same, on payment of a reasonable price for each copy, and shall cause a copy of all such lists to be fixed on or near the outer door of the town hall, or in some public and conspicuous situation within the borough, on every day during the week

Overseers to make lists of all persons entitled to be burgesses in their respective parishes.

(1) This year on the 7th of November.

(2) This year between the 7th of November and the 17th of November.

(3) This year the 17th of November—*see order in Council, 11th of September, 1835.*

next preceding the fifteenth day of September in every year.

As to boroughs in which there is no town clerk.

As to precincts, &c. where there are no overseers.

XVI. Provided always, and be it enacted, That in any borough in which there shall be no town clerk, or in which the town clerk shall be dead or incapable of acting, all matters by this act required to be done by and with regard to the town clerk shall be done by and with regard to the person executing duties in such borough similar to those of town clerk, and if there be no such person, or if such person shall be dead or incapable of acting, then by and with regard to such fit person as the mayor of such borough shall appoint in that behalf: Provided always, that every precinct or place, whether extra-parochial or otherwise, which shall have no overseers, shall, for the purpose of making out such lists as aforesaid, be deemed within the parish adjoining thereto, such parish being wholly or in part situate within the same borough as such precinct or place, and if such precinct or place shall adjoin two or more parishes so situate as aforesaid it shall be deemed to be within the least populous of such parishes according to the last census for the time being; and the overseers of the poor of every such parish shall insert in the list for their parish the names of all persons who would have been entitled to be inserted in the lists for such precinct or place if such precinct or place had had overseers or been rated to the maintenance of the poor.

Persons omitted

XVII. And be it enacted, That every person

whose name shall have been omitted in any such burgess list and who shall claim to have his name inserted therein, shall, on or before the fifteenth day of September in every year, give notice thereof to the town clerk in writing, according to the form number 2, in the said schedule (D.), or to the like effect; and every person whose name shall have been inserted in any burgess list for any borough may object to any other person as not being entitled to have his name retained in the burgess list for the same borough, and every person so objecting shall, on or before the fifteenth day of September in every year, give to the town clerk of such borough, and also give to the person objected to, or leave at the premises for which he shall appear to be rated in the burgess list, notice thereof in writing according to the form number 3, in the said schedule (D.) or to the like effect; and every town clerk shall include the names of all persons so claiming to be inserted on the burgess list, in a list according to the form number 4, in the said schedule (D.), and shall include the names of all persons so objected to as not entitled to be retained on the burgess list in a list according to the form number 5, in the said schedule (D.), and shall cause copies of such several lists to be fixed on or near the outer door of the town hall or in some public and conspicuous situation within such borough during the eight days next preceding the first day of October in every year; and the town clerk shall likewise keep a copy of the names of all persons so claiming as aforesaid, and also a copy of the names of all persons so objected to

from the
overseers'
lists to give
notice to the
town clerk.

Notices as
to persons
not entitled
to be re-
tained in
the lists.

Lists of
claimants,
and of per-
sons ob-
jected to, to
be published
&c.

as aforesaid, to be perused by any person, without payment of any fee, at all reasonable hours during the eight days, Sunday excepted, next preceding the first day of October in every year, and shall deliver a copy of each of such lists to any person requiring the same, on payment of a sum not exceeding one shilling for each copy.

Burgess Lists.

In the three preceding sections are set forth the measures necessary to be taken preparatory to the formation of a general register of burgesses, to be called the Burgess Roll: matters which become very important, when it is considered that enrolment is a condition precedent to becoming a burgess. It will be seen that the burgess lists are on the 5th of September in every year to be prepared and to be signed by the overseers, a majority of whom at least should sign. By the interpretation clause, sec. 79, of the parliamentary Reform Act, it is provided, that all matters by that act, directed to be done by the overseers of a parish or township, may be lawfully done by the major part of such overseers. This provision is omitted in the present act, but it appears to be immaterial, inasmuch as all matters required to be done by overseers are constantly done by the majority. Churchwardens are overseers by virtue of their office.

The lists are on the same 5th of September to be delivered to the town clerk, who is charged with the publication of the lists, and the further duties preparatory to the registration or enrolment of the burgesses. See the effect of the omission to publish the lists discussed, post.

Claimants.

Section 17 points out, 1st, what is to be done by persons omitted in the overseers' lists, and who claim to be burgesses.

2d, What is to be done by persons objecting to the right of others to be burgesses.

3d, The duties of the town clerk on receiving notice of claims and objections.

1st. Persons claiming are to give notice of their claim in the form No. 2, in schedule (D.) or to the like effect. It may be convenient to set out the form of claim in this place.

No. II.—NOTICE OF CLAIM.

To the town clerk of the borough of

I HEREBY give you notice, That I claim to have my name inserted in the burgess list of the borough of that I occupy [*here describe the house, warehouse, counting-house, or shop, then occupied by the claimant*] in the borough, and that I have been rated in the parish of [*here state the parish or several parishes, and the time during which the claimant has been rated in each of them within the borough, necessary for his qualification*].

Dated the day of , in the year

(Signed) John Allen of [*place of abode*]

The form of claim requires the house, warehouse, &c., in respect of which the claim is made to be described, and it appears by the form, No. 4, schedule (D.) that the *situation* of the property is to be stated, and the number, if it be numbered: next are to be stated all the parishes in which the claimant has been rated during the time necessary to qualify him, that is, two years and eight months, and the time during which he has been rated in each of them; and lastly, the claim is to be signed, and the place of abode of the claimant added. This appears to me a very puzzling form of notice, and I cannot but think that frequent mistakes will occur in consequence. It therefore becomes material to inquire what is the effect of a mistake or omission as to any of the particulars of the notice. It has been held by some revising barristers under the Reform Act, in which the form of claim requires the place of abode to be stated, that the omission of it is an objection fatal to hearing the claim, but others have decided otherwise; and in a case where the party claiming made a material omission in the statement of his claim, and the town clerk supplied the omission in the published list of claimants, and the revising barrister rejected the claim for informality; the New Sarum committee overruled the preliminary objection, and permitted evidence to be given of the voters' qualification. See James Smith's case before the New Sarum committee, 1 Perry and Knapp, 249. The notice is to be given to the town clerk; personal service does not seem necessary, the notice may be left at his office. See further on this point, next page.

Objections.

Persons objecting to any other person as not being entitled to be retained on the list, are to give to the town

clerk, and also give to the person objected to, or leave at the premises for which he shall appear to be rated in the burgess list, a notice in the form No. 3, schedule (D.) which is as follows :

No. III.—NOTICE OF OBJECTION.

To the town clerk of the borough of
[or to the person objected to, as the case may be].

I HEREBY give you notice, That I object to the name of Thomas Bates, of Brook's Farm, in the parish of [describe the person objected to as described in the burgess list] being retained on the burgess list of the borough of

Dated the day of in the year

(Signed) John Ashton of [here state the place of abode and property for which he is said to be rated in the burgess list].

It will be seen that this form also requires the objector's place of abode to be added to his name. The Bedford committee held in the case of Thomas Flight, that it was essential to the validity of a notice of objection that it should contain the objector's place of abode, and that the revising barrister had done right in refusing to enter upon the merits of a case where the place of abode had been omitted. 1 Perry and Knapp, 119. But see Cookson's case before the Petersfield committee, 1 Perry and Knapp, 46, and George Snowden's case before the Ripon committee, 1 Perry and Knapp, 204.

It would seem that the service of the notice of objection, if not left at the premises for which the party objected to appears to be rated, should be personal.

Mayor and assessors to revise lists, and upon due proof to insert and expunge names.

XVIII. And be it enacted, That the mayor and the two assessors herein-after mentioned, to be chosen in every year by the burgesses of every borough, shall hold an open court within such borough, for the purpose of revising (1) the said burgess lists at some time between the first day of October inclusive and the fifteenth day of October inclusive in the year one thousand eight hundred and thirty-six, and every succeeding year, having first

(1) See post p. 34.

given three clear days' notice of the holding of such court, to be fixed on or near the outer door of the town hall or in some public and conspicuous situation within the borough; and the town clerk of every such borough shall, at the opening of the court, produce the said lists, and a copy of the lists of the persons claiming and of the persons objected to, so made out as aforesaid; and the overseers, vestry clerks, and collectors of poor's rates of every parish wholly or in part within every such borough shall attend the court, and shall answer upon oath all such questions as the court may put to them or any of them touching any matter necessary for revising the burgess lists; and the mayor shall insert in such lists the name of every person who shall be proved, to the satisfaction of the court, to be entitled to be inserted therein, according to the provisions of this act, and shall retain on the said list the names of all persons to whom no objection shall have been duly made, and shall also retain on the said lists the name of every person who shall have been objected to by any person, unless the party so objecting shall appear by himself or by some one on his behalf in support of such objection; and where the name of any person inserted in any one of the said lists shall have been duly objected to, and the person objecting shall appear by himself or by some one on his behalf in support of such objection, the court shall require proof of the qualification of the person so objected to: and in case the qualification of such person shall not be proved to the satisfaction of the court the mayor shall expunge the name of every such person from the

said lists, and he shall also expunge from the said lists the name of every person who shall be proved to the court to be dead, and shall correct any mistake or supply any omission which shall be proved to the court to have been made in any of the said lists in respect of the name or place of abode of any person who shall be included in any such list, or in respect of the local description of his property; Provided always, that no person's name shall be inserted by the mayor in any such list, or shall be expunged therefrom, except in the case of death, unless notice shall have been given as is herein-before required in each of the said cases.

Power to
mayor, &c.
of adjourn-
ing, of ad-
ministering
oaths, &c.

XIX. And be it enacted, That every mayor holding any court under this act for the revision of the said lists shall have power to adjourn the same from time to time, so that no such adjourned court shall be held after the fifteenth day of October in any year, and shall have power to require any overseer, or person having the custody of any book containing any rate made for the relief of the poor during that or any preceding year, in any parish wholly or in part within the borough, to produce the same and allow the same to be inspected at any court to be held for revision of the burgess lists, and shall have power to administer an oath to the town clerk and to the overseers, and to all persons claiming to be inserted in or making objection to the omission or insertion of any name in any of the said lists, and to all persons objected to in any of such lists and to all persons claiming to have any mistake in any of such lists corrected, and to all witnesses

who may be tendered or examined on either side; And the mayor and assessors shall, upon the hearing in open court, determine upon the validity of such claims and objections, and the mayor shall, in open court, write his initials against the names respectively struck out or inserted, and against any part of the said lists in which any mistakes shall have been corrected, and shall sign his name to every page of the several lists so settled.

Mayor shall sign the lists in open court.

XX. And be it enacted, That the senior judge, or in case of his absence from the kingdom the next judge, in the commission of assize for the summer circuit in this year for every county, shall before the last day of September in this year, appoint so many barristers as the said judge shall deem necessary to revise the lists of burghesses of every borough in or adjoining to such county; and the town and county of the town of Kingston-upon-Hull shall for this purpose be considered as next adjoining to the county of York, and the town of Berwick-upon-Tweed and town and county of the town of Newcastle-upon-Tyne as next adjoining to the county of Northumberland, and the city and county of the city of Bristol as next adjoining to the county of Somerset; and the said judge shall have power to appoint one or more barristers to revise the lists for the same borough, and the same barrister to revise the lists of more than one borough; and the barrister so appointed to any borough shall for that purpose, during this year, be in the place and

Barristers to be appointed to revise lists in the first year.

stead of the mayor and assessors of such borough, and shall revise the lists of burgesses in this year in the manner herein-before enacted concerning the mayor and assessors in every succeeding year ; and if it shall be made to appear to the said judge that for any cause such lists cannot be revised within the period directed by this act, it shall be lawful for such judge and he is hereby required to appoint one or more barristers to act in the place of or in addition to those originally appointed ; and every such barrister so subsequently appointed shall have the same power as if originally appointed ; and every barrister appointed to revise any lists under this act shall be paid at the rate of five guineas for every day that he shall be so employed over and above his travelling and other expences ; and every such barrister, after the termination of his last sitting, shall lay or cause to be laid before the lords commissioners of his Majesty's treasury for the time being a statement of the number of days during which he shall have been so employed in each borough, and an account of the travelling and other expences incurred by him in respect of such employment ; and the said lords commissioners shall make an order for the amount to be paid to such barrister out of the consolidated fund : Provided nevertheless, that as soon as a council shall be chosen in any borough under the provisions of this act the said lords commissioners shall make an order on the council of such borough for the amount of daily salary herein-before enacted to be paid to such barrister during the time that he shall have

been employed in revising the lists of such borough ; and the council of such borough shall forthwith cause the same to be repaid to the said lords commissioners out of the borough fund of such borough ; and the same, if not paid, shall be deemed to be a debt due to his Majesty and recoverable as such.

XXI. And be it enacted, That every person authorized by law to make an affirmation instead of taking an oath shall make such affirmation in every case in which by this act an oath is required to be taken ; and if any person taking any oath required by this act, or making any affirmation instead of taking such oath, shall wilfully swear or affirm falsely, such person shall be deemed guilty of perjury, and shall be punished accordingly.

Affirmation
may be substituted for
oath.

XXII. And be it enacted, That the burgess lists so revised and signed as last aforesaid, shall be delivered by the mayor to the town clerk of such borough, who shall keep the same, and shall cause the said burgess lists to be fairly and truly copied into one general alphabetical list in a book to be by him provided for that purpose, with every name therein numbered, beginning the numbers from the first name, and continuing them in a regular series to the last name, and shall cause such books to be completed on or before the twenty-second day of October in every year, and shall deliver such books, together with the lists, at the expiration of his office, to the person succeeding him in such office ; and every such book in

Revised
borough lists
to be kept by
the town
clerk, and
copied into
books with
the names
numbered.

Such book
to be the
roll of bur-
gesses en-
titled to
vote.

No stamp
duty on
enrolment.

which the said burgess lists shall have been copied shall be the burgess roll of the burgesses of such borough entitled to vote, after the passing of this act, in the choice of the councillors, assessors, and auditors of such borough, as herein-after mentioned, at any election which may take place in such borough between the first day of November inclusive in the year wherein such burgess roll shall have been made and the first day of November in the succeeding year; provided that no stamp duty shall be payable in respect of the admission, registry, or enrolment of any burgess, according to the provisions of this act.

The burgess lists are to be revised at an open court, to be held between the 1st and 15th of October, (1) both inclusive, before the mayor and two assessors. The town clerk and overseers are to attend, and the former is to produce the lists, that is to say, the lists received from the overseers, and a copy of the lists of the persons claiming, and of the persons objected to. The whole court is to hear and determine upon the validity of claims and objections, and the mayor is to act upon their determination in inserting and expunging names, &c., and he alone has the power of adjourning the court, of requiring the production of rate-books, and of administering oaths to the town clerk, overseers, claimants, objectors, and witnesses. (2)

The mayor is required, 1st, to insert the name of every person who shall be proved to be entitled, that is to say, who shall be proved to be qualified in the manner required by sec. 9, and who shall have given notice of his claim in the manner required in sec. 17.

2ndly, To retain the name of all persons to whom no objection shall have been duly made, and the name of

(1) In this year the revision is to be between the 1st and 15th of December.

(2) See sec. 21, which enables those to make affirmation who are authorized to do so by law, and making persons swearing or affirming falsely guilty of perjury.

every person objected to, unless the objector shall appear in person, or by some one on his behalf.

3rdly, If the objector appears, the court is to *require proof of the qualification of the person objected to*: the objector therefore need not, in the first instance, state his ground of objection. If such proof is not given to the satisfaction of the court, the mayor is to expunge the name of such person.

4thly, To expunge the name of every person who shall be proved to the court to be dead.

5thly, To correct any mistake, or supply any omission which shall be proved to have been made, in the name or place of abode of any person included in any of the lists, or in the local description of his property.

6thly, To write his initials against names struck out or inserted, and against any part of the lists in which mistakes shall have been corrected, and to sign his name to every page of the settled lists. (1)

Questions of law sometimes arise under the Reform Act, as to the effect of omissions by overseers in making out or publishing their lists; questions much less likely to arise under this act by which the duty of publishing the lists is entrusted to the town clerks. If an overseer omits to make out an original list of burgesses it is clear that none can be settled or revised except of persons who may have given notice of claim, but if the overseer has made out a list and transmitted it to the town clerk, who has omitted to publish it as required by the act, then although the town clerk may be punishable for a

(1) By the 50th sec. 2 W. 4, c. 45, revising barristers have the power of expunging names of persons from the lists in case the Christian name, or place of abode, or the nature of the qualification, or the local description of the property of any person who shall be included in any such list shall be wholly omitted and not afterwards supplied. No such power is given by this act. The oath usually administered by revising barristers to the town clerk and overseers, when it is necessary to examine them for the purpose of obtaining information to correct any mistake, or omission in the lists, is, "You shall true answer make to all such questions as the court shall demand of you, so help you God." On any question arising as to the right of a person to be registered, the following more comprehensive oath has usually been administered to any person about to give evidence. "The evidence you shall give touching the matter in question shall be the truth, the whole truth, and nothing but the truth, so help you God."

breach of duty, it does not seem that the omission to publish it ought to be considered fatal to the reception of such list by the court. The publication is to be of a printed copy and not of the original list, it is indeed intended to give notice to the inhabitants of the borough of those who are deemed by the overseers entitled to vote, though it is not the only means of notice the overseers are required to keep copies of such lists to be perused by any person without fee, at all reasonable hours during the two first weeks after such lists shall have been made out. Again, if a person in a case where no list has been made out, or where he has been omitted from the list sends a notice of his claim to the town clerk, and the town clerk omits to publish it, it seems reasonable to insert in the list the name of such person, on proof being given of his qualification. A question of this kind arose respecting the publication of a list of objections before the revising barristers for Montgomery, in the first year of the registration under the Reform Act. A number of notices of objection had been served on one of the overseers, who omitted to make out and publish a list of them; notices of objection, were however, served on all the parties objected to a reasonable time before the barristers' court was held. Under these circumstances the barristers struck out the names of all the parties objected to who were not proved to be duly qualified to vote. The course pursued was afterwards communicated to several gentlemen of the bar, and I believe was very generally approved of. Supposing, however, that no notice had been served on the parties objected to a difficult question would have arisen. Some persons are of opinion that when a notice of objection has been given to the proper officer, all has been done that is necessary to give the court jurisdiction; and that therefore, the parties, not appearing, must be struck out of the list. On the other hand, it is, I think, very unreasonable that parties having no notice should be struck out for not appearing.

By section 20, barristers are to be appointed to revise the burgess lists in the present year, and the barrister so appointed to any borough is for that purpose, during this year, to be in the place and stead of the mayor and assessors of such borough.

By section 22, the burgess lists so revised and signed are to be delivered by the mayor to the town clerk, who is to cause them to be copied into one general alphabetical list in a book with every name numbered in a regular series. This book is to be completed on or before the 22nd

of October (1) in every year, and is to be the "Burgess Roll" of the burgesses entitled to vote in the choice of the councillors, assessors, and auditors at any election which may take place between the 1st day of November in that year, and the 1st of November in the succeeding year. See post, secs. 30, 37.

See ante, sec. 5, as to the duty of the town clerk in making out the "Freemen's Roll."

XXIII. And be it enacted, That the town clerk of every borough shall cause to be written or printed copies of the burgess roll in every year; and shall deliver such copies to all persons applying for the same, on payment of a reasonable price for each copy; and the monies arising from the sale thereof, and of the overseers' lists, and of the lists of claims and objections as aforesaid, shall be paid over to the treasurer of such borough, and shall be applied by him in aid of the borough fund herein-after mentioned.

Copies of the burgess roll to be printed for sale.

XXIV. And be it enacted, That the said council of every borough shall take an account of the reasonable expences incurred by the overseers of the poor in carrying into effect the several provisions of this act so far as relates to the said lists, and shall order the treasurer of the said borough to pay the same out of the borough fund of the said borough.

Expences of overseers how to be defrayed.

XXV. And be it enacted, That in every borough shall be elected, at the time and in the manner herein-after mentioned, one fit person, who shall be and be called "the Mayor" of such

Mayor, aldermen, and councillors to be chosen in every borough, who toge-

(1) In this year the 22d December.

ther shall
constitute
the council
of the
borough.

borough ; and a certain number of fit persons, who shall be and be called "Aldermen" of such borough ; and a certain number of other fit persons, who shall be and be called "The Councillors" of such borough ; and such mayor, aldermen, and councillors for the time being shall be and be called "The Council" of such borough ; and the number of persons so to be elected councillors of such borough shall be the number of persons in that behalf mentioned in conjunction with the name of such borough in the schedules (A.) and (B.) to this act annexed ; and the number of persons so to be elected aldermen shall be one third of the number of persons so to be elected councillors ; and on the ninth day of November in this present year the councillors first to be elected under the provisions of this act, and on the ninth day of November in the year one thousand eight hundred and thirty-eight, and in every third succeeding year, the council for the time being of every borough, shall elect from the councillors, or from the persons qualified to be councillors, the aldermen of such borough, or so many as shall be needed to supply the places of those who shall then go out of office according to the provisions herein-after contained ; and that upon the ninth day of November in the year one thousand eight hundred and thirty-eight, and in every third succeeding year, one half of the number appointed as aforesaid to be the whole number of the aldermen of every borough shall go out of office ; and the councillors immediately after the first election of aldermen shall appoint who shall

be the aldermen who shall go out of office in the year one thousand eight hundred and thirty eight, and thereafter those who shall go out of office shall always be those who have been aldermen for the longest time without re-election : Provided always, that any aldermen so going out of office may be forthwith re-elected, if then qualified as herein provided ; provided also, that the aldermen so going out of office shall not be entitled to vote in the election of a new alderman.

The Council.

There are to be elected in every borough a mayor, and a certain number of aldermen and councillors, who are together to be " The Council " (1).

The proportion of aldermen to councillors is to be in all cases one to three. The smallest number of the governing body in any borough will be four aldermen and twelve councillors, and the largest number sixteen aldermen and forty-eight councillors. An alderman and a councillor will have equal power in the council, the principal distinction between them will be in name, the manner of election, and the longer continuance of the former in office.

It will be seen, that after the first three years, aldermen (except those elected to supply extraordinary vacancies) (2) will continue in office, and be members of the council for six years, and that after the first two years councillors, except as aforesaid, will continue in office for three years. See sec. 31.

The councillors are to be elected by the burgesses, out of those qualified to be councillors (3). See sec. 30.

The aldermen are to be elected out of the councillors, or those qualified to be councillors (4). Sec. 25. In

(1) As to the elections of aldermen to supply extraordinary vacancies, see sec. 27.

(2) As to elections of aldermen to supply extraordinary vacancies, see sec. 27.

(3) By order in council of 11th September, 1835, the election in this year is to be on the 26th day of December. As to amount of qualification, see sec. 28.

(4) In this year the election is to be on the 31st of December.

the present year the election is to be made by the *councillors*. In the year 1838, and in every succeeding third year, the election is to be made by the *council*. The mayor is to be elected by the *council*, out of the aldermen and councillors, and is to continue in office for one year. See post, sec. 49 and note. On his election the council will be complete. There are also to be elected annually by the burgesses, out of the persons qualified to be councillors, two assessors and two auditors. Postsec. 37. The Council have power to appoint a town clerk during pleasure, and also to appoint a treasurer annually. Post sec. 58. As to recorders, see post sections 103, 118. As to the division of boroughs into wards, the appointment of councillors, the voting in wards, see sections 39 to 46 inclusive.

XXVI. And be it enacted, That the mayor
Mayor and
aldermen to
be members
of coun-
cil during
their offices. and aldermen shall, during their respective offices, continue to be members of the council of the borough, notwithstanding any thing herein-after contained as to councillors going out of office at the end of three years.

XXVII. And be it enacted, That whenever
Future
vacancies in
the office of
aldermen
how to be
filled up. any extraordinary vacancy shall take place in the office of alderman of any borough, the council of such borough shall, within ten days after such vacancy shall occur, on a day to be fixed by the mayor for such purpose, elect some other fit person to fill such vacancy, either from the councillors or from the persons qualified to be councillors; and in case any councillor shall be elected to fill the office of alderman, then the vacancy which will thereby be occasioned in the council shall be filled up at the time and in the manner herein-after directed; and every person so elected an alderman to fill an extraordinary vacancy shall hold such office until the time when the person in the room

of whom he was chosen would regularly have gone out of office, and he shall then go out of office, but may be re-elected if then qualified as herein provided.

XXVIII. And be it enacted, That no person Who are not qualified to be chosen mayor or councillor. being in holy orders, or being the regular minister of any dissenting congregation, shall be qualified to be elected or to be a councillor of any such borough or an alderman of any such borough, nor shall any person be qualified to be elected or to be a councillor or an alderman of any such borough who shall not be entitled to be on the burgess list of such borough, nor unless he shall be seised or possessed of real or personal estate or both to the following amount, that is to say, in all boroughs directed by this act to be divided into four or more wards to the amount of one thousand pounds, or be rated to the relief of the poor of such borough upon the annual value of not less than thirty pounds, and in all boroughs directed to be divided into less than four wards, or which shall not be divided into wards, to the amount of five hundred pounds, or be rated to the relief of the poor in such borough upon the annual value of not less than fifteen pounds, or during such time as he shall hold any office or place of profit, other than that of mayor, in the gift or disposal of the council of such borough, or during such time as he shall have directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of such council; provided that no person shall be disqua-

lified from being a councillor or alderman of any borough as aforesaid by reason of his being a proprietor or shareholder of any company which shall contract with the council of such borough for lighting or supplying with water or insuring against fire any part of such borough.

Who shall
vote in the
election for
councillors.

XXIX. And be it enacted, That every burgess of any borough who shall be enrolled on the burgess roll for the time being of such borough, shall be entitled to vote in the election of councillors and of the auditors and assessors herein-after mentioned for such borough, and no person who shall not be enrolled in such burgess roll for the time being, shall have any voice or be entitled to vote in any such election.

Councillors
to be chosen
on the
1st Nov. in
every year.

XXX. And be it enacted, That upon the first day of November in every year the burgesses so enrolled in every borough shall openly assemble and elect from the persons qualified to be councillors the councillors of such borough, or such part of them as shall be needed to supply the places of those who shall then go out of office: Provided nevertheless, that whenever any day by this act appointed for any purpose shall in any year happen on a Sunday, in every such case the business so appointed to be done shall take place on the Monday following.

One third
part of the
council to go
out of office
annually.

XXXI. And be it enacted, That upon the first day of November, one thousand eight hundred and thirty-six, and in every succeeding year, one third

part of the number appointed as aforesaid to be the whole number of the councillors of every borough shall go out of office; and in the said year one thousand eight hundred and thirty-six, those who shall go out of office shall be the councillors who were elected under the provisions of this act by the smallest numbers of votes in this present year, and in the next year one thousand eight hundred and thirty-seven, those who shall so go out of office shall be the councillors who were elected under the provisions of this act by the next smallest numbers of votes in this present year, the majority of the whole council always determining, when the votes for any such persons shall have been equal, who shall be the persons so to go out of office; and thereafter those who shall so go out of office shall always be the councillors who have been for the longest time in office without re-election: Provided always, that any councillor so going out of office shall be capable of being forthwith re-elected, if then qualified, as herein provided.

XXXII. And be it enacted, That every election of councillors within any borough according to the provisions of this act shall be held before the mayor and assessors for the time being of such borough, except as herein is excepted; and the voting at every such election shall commence at nine o'clock in the forenoon, and shall finally close at four o'clock in the afternoon of the same day, and shall be conducted in manner following; that is to say, every burgess entitled to vote in

Elections to be held before mayor and assessors.

Mode of voting.

the election of councillors may vote for any number of persons not exceeding the number of councillors then to be chosen, by delivering to the mayor and assessors or other presiding officer as herein-after mentioned a voting paper, containing the Christian names and surnames of the persons for whom he votes, with their respective places of abode and descriptions, such paper being previously signed with the name of the burgess voting, and with the name of the street, lane, or other place in which the property for which he appears to be rated on the burgess roll is situated.

The election in the present year is to be before the *mayor alone*, who will be the mayor now in office. Sec. 38. In future years it is to be held before the mayor and assessors. Sec. 32.

Every burgess may vote for any number of persons, not exceeding the whole number of councillors to be chosen.

The vote is to be given by delivering to the mayor and assessors, or other presiding officer, a voting paper, of which it may be useful to give a form (1).

(1) Borough of Abingdon, 26th day of December, 1835.

I vote for the under-mentioned persons to be councillors of this borough.

Christian name and surname of persons voted for.	Place of abode of persons voted for.	Description of persons voted for.
John Williams -	Duke Street -	Grocer.
Thomas Jones -	High Street -	Gentleman.
William Smith -	Waterloo Place	Ironmonger.

James Wilson,
(Name of voter)
Princes Sreet.

[Street, lane, or other place, in which the voter's property is situated.]

It will be observed, that no inquiry is to be made as to the right of any person to vote, except by putting the three questions mentioned in sec. 34 : therefore, although a voter may have been guilty of bribery (see post s. 54), or may be otherwise disqualified, his vote cannot be refused at the poll, if his name appears on the burgess roll.

XXXIII. And be it enacted, That at every election in any borough the mayor, if it shall appear to him expedient for taking the poll at such election, may cause booths to be erected, or rooms to be hired and used as such booths, for different parts of such borough, which may be situated either in one place or in several places, and shall be so divided and allotted into compartments as to the mayor shall seem most convenient ; and the mayor shall appoint a clerk to take the poll at each compartment, and shall cause to be affixed on the most conspicuous part of each of the said booths the names of the parts for which such booth is respectively allotted ; and no person shall be admitted to vote at any such election except at the booth allotted for the part wherein the house, warehouse, counting-house, or shop occupied by him as described in the burgess roll may be ; but in case no booth shall happen to be provided for any particular part as aforesaid the votes of the persons voting in respect of property situate in any part so omitted may be taken at any of the said booths ; and public notice of the situation, division, and allotments of the different booths shall be given two days before the commencement of the poll by the mayor ; and in case the booths shall be situated in different places the mayor may appoint a deputy to preside at each

Polling
booths to be
provided. . .

place : Provided also, that no election shall be holden under this act in any borough in any church, chapel, or other place of public worship.

No inquiry of the voter except as to his identity, and whether he has voted before at the same election.

XXXIV. And be it enacted, That no inquiry shall be permitted at any election as to the right of any person to vote as a burgess in any borough, except only as follows : (that is to say,) that the mayor or other presiding officer shall, if required by any two burgesses entitled to vote in the same borough, put to any voter at the time of his delivering in his voting paper, and not afterwards, the following questions, or any of them, and no other :

Forms of questions as to these points.

1. Are you the person whose name is signed as A. B. to the voting paper now delivered in by you ?
2. Are you the person whose name appears as A. B. on the burgess roll now in force for this borough, being registered therein as rated for property described to be situated in ? [*Here specify the street, &c. as described in the burgess roll.*]
3. Have you already voted at the present election ?

And no person required to answer any of the said questions shall be permitted or qualified to vote until he shall have answered the same; and if any person shall wilfully make a false answer to any of the questions aforesaid he shall be deemed guilty of a misdemeanor, and may be indicted and punished accordingly.

Result of

XXXV. And be it enacted, That the mayor

and assessors shall examine the voting papers so delivered as aforesaid, for the purpose of ascertaining which of the several persons voted for are elected; and so many of such persons, being equal to the number of persons then to be chosen, as shall have the greatest number of votes, shall be deemed to be elected; and in case of an equality in the number of votes for any two or more persons, the mayor and assessors, or any two of them, shall name from amongst those persons for whom the number of votes shall be equal so many as shall be necessary to complete the requisite number of persons to be chosen; and the mayor shall cause the voting papers to be kept in the office of the town clerk during six calendar months at the least after every such election; and the town clerk shall permit any burgess to inspect the voting papers of any year, on payment of one shilling for every search; and the mayor shall publish a list of the names of the persons so elected not later than two of the clock in the afternoon of the day next but one following the day of such election, unless such day be Sunday, and then on the Monday following.

XXXVI. And be it enacted, That if the mayor of any borough shall, at the time when it shall be necessary to execute the powers and duties herein provided with respect to elections, be dead, absent, or otherwise incapable of acting, the council of such borough shall forthwith elect one of the aldermen to execute all such powers and duties in the place of the mayor; provided that in the

election,
how to be
declared.

An alderman
to be chosen
to preside at
election in
case of the
death or in-
ability of
the mayor.

first election of councillors and of auditors and assessors. as herein-after provided, the mayor alone shall act with all the powers and duties herein-before enacted concerning the mayor and assessors jointly in such elections.

Election of
auditors and
assessors.

XXXVII. And be it enacted, That on the first day of March in the year one thousand eight hundred and thirty-six, and in every succeeding year, the burgesses of every borough shall elect from the persons qualified to be councillors by a majority of votes, two burgesses, who shall be and be called auditors of such borough, and two burgesses, who shall be and be called assessors of such borough; and every such auditor and assessor shall continue in office until the first day of March in the year following his election; and the election of such auditors and assessors respectively shall be in form and manner herein-before provided for the election of councillors: Provided nevertheless, that in every such election of auditors or assessors no burgess shall vote for more than one person to be an auditor or assessor: Provided also, that no burgess shall be eligible to be or be elected such auditor or assessor as afore-said who shall be of the council, or the town clerk or treasurer of such borough.

Existing
mayors and
councils
to go out of
office on
election of
councillors
under this
act.

XXXVIII. And be it enacted, That after the declaration of the first election of the councillors under the provisions of this act in any borough, the mayor, aldermen, and common councilmen, and all other members of the common council or

governing body of the body corporate named in conjunction with such borough in the said schedules (A.) and (B.), by whatever name or style they may be known or called, then in office, shall go out of office, and their whole powers and duties shall cease: (1) Provided nevertheless, that any of the persons so going out of office shall be eligible to be elected and appointed under the provisions of this act: Provided also, that such persons as are justices of the peace in any borough at the time of passing this act shall continue to have and exercise all the powers which at the time of passing this act they have as justices of the peace until the first day of May in the year one thousand eight hundred and thirty-six, and no longer: Provided also, that in every borough in which, by statute, charter, bye law, or custom, any election is appointed to be holden between the day of the passing of this act and the first day of May next, both inclusive, no such election shall be holden, but every person holding office in any borough on the day of the passing of this act shall continue to hold such office, and to have all the powers, and be subject to all the duties, and be entitled to the same salary and fees of such office, as he would have had and been if elected to such office between the day of the passing of this act and the said first day of May *until the time*

(1) It will be observed that after the first declaration of councillors, the councillors will be the only part of the new governing body in existence. The first aldermen are not to be chosen until the 31st day of December, and the new mayor on the 1st day of January next. See *ante* note to sect. 25, *post* sect. 49.

provided by this act for him to go out of office ; (1) any statute, charter, bye law, or custom notwithstanding.

Where boroughs are to be divided into wards, the bounds of the wards to be determined by the barristers appointed to revise the lists.

XXXIX. And whereas it is expedient that certain boroughs of large population should be divided into wards before any election of councillors for such boroughs should take place ; be it therefore enacted, That every borough in the said schedule (A.) shall be divided into the number of wards mentioned in such schedule in conjunction with the name of such borough ; and that it shall be lawful for the barrister or barristers appointed in pursuance of the provisions herein-before contained to revise the burgess and councillors lists of any borough in the present year, and he or they is and are hereby required within the space of six weeks next after the passing of this act to determine and set out the extent, limits, and boundary lines of such wards, and what portions of such borough shall be included therein respectively ; and the copy of the particulars of such division shall be forthwith transmitted to one of his Majesty's principal secretaries of state, and, if his Majesty by advice of his privy council shall approve such determination, shall be published in the *London Gazette*, and another copy of such

(1) The effect of this proviso, taken with sect. 35, and the order in council of the 11th September last, is, that every mayor and every other officer, who but for the passing of this act would have been elected between the 9th day of September and the 28th day of December next, will continue in office until the last-mentioned day.

particulars shall be delivered to the town clerk of such borough, to be by him safely kept among the public documents of such borough; and every such borough shall, after such publication as aforesaid, be deemed to be divided into such wards as shall be so determined and set out as aforesaid, and such division shall continue and be in force until the same shall be altered by authority of parliament: Provided always, that if his Majesty, by advice of his privy council, shall not approve such determination, such publication as aforesaid shall nevertheless be made, and such division be in force for the purpose of any election under the provisions of this act, and until such time as his Majesty shall by advice of his privy council, upon further information and report from such barristers, definitively approve the division of such borough into wards in manner hereinbefore mentioned.

XL. And be it enacted, that the said barrister or barristers shall, after the division of the borough into such number of wards as is directed by this act, apportion among the several wards of such borough the number of councillors mentioned in conjunction with the name of such borough in the said schedule (A.); and in assigning the number of councillors to each ward the said barrister or barristers shall, as far as in his or their judgment he or they may deem it to be practicable, have regard as well to the number of persons rated to the relief of the poor in such ward as to the aggregate amount of the sums at which all the said persons

Number of
councillors
for each
ward to be
assigned by
the barris-
ters accord-
ing to cer-
tain rules.

shall be so rated: *Provided always, that the number of councillors assigned to each ward shall be a number divisible by three*; (1) and a copy of the particulars of the number of councillors so assigned to the several wards of the borough shall be forthwith transmitted to one of his Majesty's principal secretaries of state, and, subject as aforesaid to the approval of his Majesty by the advice of his privy council, shall be published in the *London Gazette*, and another copy of such particulars shall be delivered to the town clerk of the borough, to be by him safely kept among the public documents of such borough; and the number of councillors so assigned to each ward of such borough shall, after such publication as aforesaid, be the number to be elected in such ward, and shall so continue until the same shall be altered by authority of parliament: *Provided always, that if his Majesty, by the advice of his privy council, shall not approve the number of councillors so assigned to each ward, such publication shall nevertheless be made, and the number of councillors so assigned to each ward of such borough by such barrister shall be the number to be elected in such ward at any election of councillors under this act until such time as his Majesty shall by advice of his privy council, upon further information and report from such barrister, definitely approve such assignment in manner herein-before mentioned.*

(1) The obvious reason for this provision is, that one-third part of the number of councillors is to go out of office annually. See *ante* sect. 31, *post* sect. 43.

XLI. And whereas it may be convenient in divers boroughs to adhere in the division of the same into wards to the ancient division thereof into parishes or into districts under any local act, or to adapt such division to local circumstances, and such division so made might render difficult such apportionment of councillors as is herein-before directed; be it therefore enacted, That in every such case the said barrister or barristers shall be empowered, at his or their discretion, subject as aforesaid to the approval of his Majesty by the advice of his privy council, to divide any borough in conjunction with the name of which, in the said schedule (A.), shall be mentioned any number of wards greater than two, into any number of wards more or less by one than the number of wards mentioned in conjunction with the name of such borough in the said schedule.

XLII. And be it enacted, That the said barrister or barristers shall have power to require any overseer, or person having the custody of any book containing any rate made for the relief of the poor, in any parish wholly or in part within any borough to be divided into wards, to produce such book before and allow the same to be inspected by the said barrister or barristers; and the said barrister or barristers shall have power to administer an oath to the overseers and to all other persons, who are hereby required to answer upon oath all such questions as the said barrister or barristers may put to them or any of them touching any matter which the said barrister or barristers may deem

Apportionment of councillors for each ward in which the ancient division is adhered to.

Power to examine rate books.

necessary for enabling them to execute the duties by this act imposed upon them.

Councillors
and assess-
ors to be
elected in
wards by
the bur-
gesses of
such wards.

XLIII. And be it enacted, That in every case in which there shall be a division into wards of any borough, the burgesses of every such ward, and none others, shall on the day fixed for the first election of councillors⁽¹⁾ separately elect from the persons qualified to be councillors the whole number of councillors assigned to such ward respectively, and on the first day of *November* in any subsequent year shall separately elect from the persons qualified to be councillors one third part of the whole number of councillors assigned to such ward, and on the first day of *March* next after the first election of councillors in such ward, and in every subsequent year, shall separately elect from the persons qualified to be councillors two assessors for such ward; and every such ward election first after such division into wards of any such borough shall be held before the mayor, or the person whom the mayor for the time being shall appoint in that behalf, and in every succeeding year⁽²⁾ shall be held before the alderman⁽³⁾ whom the councillors chosen in such ward shall yearly appoint in that behalf and before the two assessors of such ward; and the assessors who shall hold

(1) This will be on the 26th of December in this year.

(2) There seems to be no provision for assessors at elections to take place between the first election of councillors and the 1st day of March, 1836.

(3) "Before the alderman," that is to say, before one of the aldermen, being a member of the council, and not a *new* alderman to be elected by the burgesses.

the court for revising the burgess lists with the mayor shall be the assessors of the mayor's ward, and the votings and other proceedings in all other respects at such ward elections shall be conducted in the same manner as at elections of councillors or assessors respectively by the burgesses of the whole borough, and the alderman and assessors of each ward shall have the same powers in regard to elections in their ward as the mayor and assessors for the whole borough if not divided into wards; and every person so elected a councillor or assessor in such ward shall hold his office for the same time that he would have held it if he had been elected by the burgesses of the whole borough and if the number elected in such ward had been the whole number for the borough.(1)

XLIV. And be it enacted, That every burgess of any borough shall be entitled to vote in the election of the councillors and assessors to be chosen within that ward in which the property of such burgess for which he appears to be rated on the burgess roll for the time being of such borough shall appear to be situated, and not otherwise; and if any burgess shall be rated in respect of distinct premises in two or more wards, then he shall be entitled to be enrolled and to vote in such one of the said wards as he shall select, but not in more than one.

Burgesses to vote in the ward in which their property is situated.

XLV. And be it enacted, That for the purpose

Lists of the burgesses in each ward to be made out yearly.

(1) As to the duration of the office of councillors, see sect. 31, 47; as to assessors, see sect. 37.

of better ascertaining who are the burgesses of any such ward the burgess roll of every borough so divided into wards shall thenceforward be made out, by or under the direction of the town clerk, in alphabetical lists of the burgesses in each ward, to be called "Ward Lists."

Manner of proceeding if any person is elected a councillor in more than one ward.

XLVI. And be it enacted, That if at any election of councillors or assessors for any borough any person shall be elected a councillor or assessor in more than one of the wards of such borough, he shall within three days after notice thereof choose, or in his default the mayor shall declare, for which one of the said wards such councillor or assessor shall serve, and such person shall thereupon be held to be elected in that ward only which he shall so choose, or which the mayor shall so declare.

Occasional vacancies of councillor, auditor, or assessor to be filled up by fresh election.

XLVII. And be it enacted, That if any extraordinary vacancy shall be occasioned in the office of councillor, auditor, or assessor for any borough, the burgesses entitled to vote shall, on a day to be fixed by the mayor of such borough, or in the case of a councillor or assessor, where the borough shall have been divided into wards, by the alderman of the ward in which the vacancy has happened, (such day not to be later than ten days after such vacancy,) elect from the persons qualified to be councillors another burgess to supply such vacancy; and such election shall be held, and the voting and other proceedings, in case of a contest, shall be conducted in the same manner and subject to the same provisions as are herein-before enacted:

with respect to the election of councillors as aforesaid ; and every person so elected shall hold such office *until the time at which the person in room of whom he was chosen would regularly have gone out of office*, and he shall then go out of office, but shall be capable of immediate re-election if then qualified as herein provided : Provided always, that after the full number to be regularly elected of the councillors in any year shall have declared their acceptance of office no new election of councillors shall be made by reason of such extraordinary vacancy, unless the number of councillors remaining after such vacancy shall not exceed two thirds of the whole number of the *council* of such borough.

The council, it will be remembered, consists of the aldermen and councillors, therefore, in a corporation of which the council consists of four aldermen and twelve councillors, there can be no election for occasional vacancies, so long as the number of *councillors* is not below eleven.

XLVIII. And be it enacted, That if any mayor, alderman, or assessor of any borough who shall be in office at the time herein appointed for the revision by them of the burgess list under this act, or for any election of councillors, assessors, or auditors which he is required to conduct or declare, shall neglect or refuse to revise such burgess list, or to conduct or declare such election as aforesaid, every such mayor, alderman, and assessor shall for every such offence forfeit and pay the sum of one hundred pounds ; and if any overreever of any parish wholly or in part within any borough shall

Penalties on mayor, overseers, &c. neglecting to comply with provisions of this act.

neglect or refuse to make out, sign, and deliver such list as aforesaid, or if the town clerk of any borough shall neglect or refuse to receive, print, and publish such lists as aforesaid, or if any such overseer or town clerk shall refuse to allow any such list to be perused by any person having right thereunto, every such overseer and town clerk respectively for every such offence shall forfeit and pay the sum of fifty pounds ; and the said penalties hereby in such case imposed shall be recovered, with full costs of suit, by any person who will sue for the same within three calendar months after the commission of such offence, by action of debt or on the case in any of his Majesty's superior courts of record ; and the money so to be recovered shall, after payment of the costs and expences attending the recovery thereof, be paid and apportioned as follows ; (that is to say,) one moiety thereof to the person so suing, and the other moiety thereof to the treasurer to be appointed by virtue of this act, to be by him applied in aid of the borough fund herein-after mentioned.

Council to
elect the
mayor every
year from
the coun-
cillors.

XLIX. And be it enacted, That on the ninth day of November in every year the council of the borough shall elect out of the aldermen or councillors of such borough a fit person to be the mayor of such borough, who shall continue in his office for one whole year ; and in case a vacancy shall be occasioned in the office of mayor of the borough during such year by reason of any person who shall have been elected to such office not accepting the same, or by reason of his dying or ceasing

to hold the said office, the council of the borough shall within ten days after such vacancy elect out of the aldermen or councillors of the said borough another fit person to be the mayor thereof for the remainder of the then current year.

The first mayor, after the passing of this act, is to be elected on the 1st of January 1836, (order in council of 11th September). It will be seen in sec. 25, that the mayor, aldermen and councillors are to be the *council*; but it is provided by sec. 38, that the mayor, aldermen, &c. in every borough are to go out of office after the declaration of the first election of councillors, which election, by the order in council, is in this year to be on the 26th day of December, so that there will be no mayor in office to preside at the election on the 1st day of January next.

L. And be it enacted, That no person elected a Mayor, alderman, or councillor, or auditor or assessor, for any borough, shall be capable of acting as such, except in administering the declaration herein-after contained, until he shall have made and subscribed before any two or more such aldermen or councillors (who are hereby respectively authorized and required to administer the same to each other) a declaration in the words or to the effect following; (that is to say,)

‘ I *A. B.*, having been elected mayor [or alderman, councillor, auditor, or assessor] for the borough of do hereby declare, That I take the said office upon myself, and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability; [and in the case of the party being qualified by estate say, and I do hereby declare that I am seised or pos-

Mayor, aldermen, and councillors, auditors and assessors, not to act until they have made a declaration of acceptance of office.

'sessed of real or personal estate, or both, [as the case may be,] to the amount of one thousand pounds or five hundred pounds, as the case may require, over and above what will satisfy all my debts].'(1)

Aldermen, if required, to make a declaration of qualification once in three years.

And that every alderman who shall have made and subscribed the foregoing declaration in respect of estate shall once in every period of three years, if required in writing so to do by any two members of the council, make and subscribe a declaration that he is qualified to the same amount in real or personal estate, or both, as the case may then be, as the amount mentioned in the declaration originally made and subscribed by him: Provided always, that nothing in this act contained shall be construed to dispense with the obligation of any person to make and subscribe the declaration provided and enjoined by an act made in the ninth year of his late Majesty *George* the fourth, intituled *An act for repealing so much of several acts as imposes the necessity of receiving the sacrament of the Lord's supper as a qualification for certain offices and employments.*

9 G. 4, c. 17.

Every burgess elected to the office of alderman, councillor, auditor, or assessor, and every councillor elected to the office of mayor, shall accept the office or pay a fine to the borough fund.

LI. And be it enacted, That every person duly qualified, who shall be elected to the office of alderman, councillor, auditor, or assessor, and every councillor who shall be elected to the office of mayor, for any borough, shall accept such office to which he shall have been elected, or shall in lieu thereof pay to the mayor, aldermen, and

(1) See *ante* sect. 28.

burgesses of such borough such fine not exceeding fifty pounds in case of aldermen, councillors, auditors, or assessors, and such fine not exceeding one hundred pounds in case of mayor, as the council of such borough, by a bye law to be made as herein-after provided shall declare in that behalf; and such fine if not duly paid shall be levied by the warrant of any justice having jurisdiction within the borough, who is hereby required on the application of the council to issue the same, by distress and sale of the goods and chattels of the person so refusing to accept office, with the reasonable charges of such distress; and every such person so elected shall accept such office by making and subscribing the declaration herein-before mentioned within five days after notice of his election, otherwise such person shall be liable to pay the said fine as for his non-acceptance of such office, and such office shall thereupon be deemed to be vacant and shall be filled up by a fresh election to be made in the manner herein-before mentioned: Provided always, that no person disabled **Exemptions.** by lunacy or imbecility of mind, or by deafness, blindness, or other permanent infirmity of body, shall be liable to such fine as aforesaid: provided also, that every person so elected to any such office who shall be above the age of sixty-five years, or who shall have already served such office respectively, or paid the fine for not accepting such office respectively, within five years from the day on which he shall be so re-elected, shall be exempted from accepting or serving the same office if he shall claim such exemption within five

days after notice of his election : Provided always, that nothing in this act contained shall extend to compel the acceptance of any office or duty whatever, in any borough, by any military, naval, or marine officer in his Majesty's service on full pay, or by any officer or other person employed and residing within any of his Majesty's dockyards, victualling establishments, arsenals, or barracks.

Any mayor, alderman, or councillor, if he shall be declared bankrupt or insolvent, or absent himself from the borough shall lose his office

LII. Provided always, and be it enacted, That if any person holding the office of mayor, alderman, or councillor for any borough shall be declared bankrupt, or shall apply to take the benefit of any act for the relief of insolvent debtors, or shall compound by deed with his creditors, or, being mayor, shall be absent for more than two calendar months, or being an alderman or councillor, for more than six months, at one and the same time (unless in case of illness), from the borough of which he shall be mayor, alderman, or councillor, then and in every such case such person shall thereupon immediately become disqualified and shall cease to hold the office of such mayor, alderman, or councillor as aforesaid, and in the case of such absence shall be liable to the same fine, to be recovered in the same manner, as if he had refused to accept the said office, and the council thereupon shall forthwith declare the said office to be void, and shall signify the same by notice in writing under the hands of three or more of them, countersigned by the town clerk, to be affixed in some public place within the borough, and the said office shall thereupon become void ; but every

person so becoming disqualified and ceasing to hold such office on account of his being declared a bankrupt, or of his applying to take the benefit of any act for the relief of insolvent debtors, or having compounded with his creditors as aforesaid, shall, on obtaining his certificate or on payment of his debts in full, be capable (if otherwise qualified) of being re-elected to such office, and every person becoming disqualified to hold such office on account of absence as aforesaid shall on his return to such borough be capable of being re-elected to such office, provided he shall then be otherwise qualified.

LIII. And be it enacted, That if any person shall act as mayor, alderman, or councillor, or auditor or assessor, for any borough, without having made the declaration herein-before required in that behalf, or without being duly qualified at the time of making such declaration, or after he shall cease to be qualified according to the provisions of this act, or after he shall have become disqualified to hold any such office, he shall for every such offence forfeit the sum of fifty pounds, such sum to be recovered, with full costs of suit, by any person who will sue for the same within three calendar months after the commission of such offence, by action of debt or on the case in any of his Majesty's superior courts of record; and every person so sued by reason of not being so qualified in respect of estate shall prove that he was at the time of so acting qualified as aforesaid, or otherwise shall pay the said

Penalty on
persons not
qualified,
&c. acting
as mayor,
alderman, or
councillor.

penalty, without any further evidence being given on the part of the plaintiff than that such person has acted as the mayor, or as alderman, councillor, auditor, or assessor (as the case may be) of such borough : Provided always, that it shall be lawful for any defendant, by judge's order to be obtained within fourteen days after he shall have been served with process in any such action, to require the plaintiff to give security for costs ; and in such case all further proceedings in the said cause shall be stayed until the plaintiff shall give security to the satisfaction of the proper officer of the court for the costs of such action in case a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue such action, or if upon demurrer or otherwise judgment shall be given against the plaintiff ; and the defendant shall in either of such cases recover his full costs as between attorney and client : Provided also, that no such action shall be brought except by a burgess of such borough, nor unless the burgess bringing the same shall, within fourteen days after the commission of the offence, have served a notice in writing personally upon the party committing such offence of his intention to bring such action ; and in case the plaintiff in any such action shall obtain a verdict, the money so to be recovered shall, after payment of the costs and expences attending the recovery thereof, be paid and apportioned as follows ; (that is to say,) one moiety thereof to the person so suing, and the other moiety thereof to the treasurer to be appointed by virtue of this act, to be by him applied in aid of

the borough fund : Provided always, that all acts Proviso. and proceedings of any person in possession of the office of mayor, alderman, councillor, auditor, or assessor, and acting as a mayor, alderman, councillor, auditor, or assessor, shall notwithstanding such disqualification or want of qualification, be as valid and effectual as if such person had been duly qualified.

LIV. And be it enacted, That if any person Persons convicted of bribery disqualified from voting at any election in the borough. who shall have or claim to have any right to vote in any election of mayor, or of a councillor, auditor, or assessor of any borough, shall, after the passing of this act, ask or take any money or other reward by way of gift, loan, or other device, or agree or contract for any money, gift, office, employment, or other reward whatsoever, to give or forbear to give his vote in any such election, or if any person, by himself or any person employed by him, shall, by any gift or reward, or by any promise, agreement, or security for any gift or reward, corrupt or procure, or offer to corrupt or procure, any person to give or forbear to give his vote in any such election, such person so offending in any of the cases aforesaid shall for every such offence forfeit the sum of fifty pounds of lawful money of Great Britain, to be recovered, with full costs of suit, by any one who shall sue for the same, by action of debt, bill, plaint, or information in any of his Majesty's courts of record at Westminster ; and any person offending in any of the cases aforesaid, being lawfully convicted thereof, shall for ever be disabled to vote in any elec-

tion in such borough, or in any municipal or parliamentary election whatever in any part of the United Kingdom, and also shall for ever be disabled to hold, exercise, or enjoy any office or franchise to which he then shall or at any time afterwards may be entitled as a burgess of such borough, as if such person was naturally dead.

Persons
offending in
any of the
cases aforesaid
discovering
others so
offending, to
be discharged
from all
penalties.

LV. And be it enacted, That if any person offending in any of the cases aforesaid shall, within the space of twelve months next after such election as aforesaid, discover any other person offending in any of the cases aforesaid, so that such other person be thereon convicted, such person so discovering, and not having been before that time convicted of any such offence, shall be indemnified and discharged from all penalties and disabilities which he shall then have incurred by any such offence.

No person
liable to incapacity,
penalty, &c.
unless prosecuted
within two
years.

LVI. Provided always, and be it enacted, That no person shall be made liable to any incapacity disability, forfeiture, or penalty by this act imposed in any of the cases aforesaid, unless prosecution be commenced within two years after such incapacity, disability, forfeiture, or penalty shall be incurred, anything herein contained to the contrary notwithstanding.

The mayor
to be a justice
of the peace
for the borough
and returning
officer at
elections of

LVII. And be it enacted, That the mayor for the time being of every borough shall be a justice of the peace of and for such borough, and shall continue to be such justice of the peace during

the next succeeding year, after he shall cease to be mayor, unless disqualified as aforesaid; and such mayor shall, during the time of his mayoralty, have precedence in all places within the borough, and in boroughs which return a member or members to serve in parliament, other than the town of Berwick-upon-Tweed, and other than cities and towns which are counties of themselves, shall be the returning officer at all such elections; and in case the mayor shall, at the time when he shall be required to perform the duties of such returning officer, be dead, absent, or otherwise incapable of acting, or in case there shall be no mayor, the council of such borough shall forthwith elect one of the aldermen to be the returning officer for such borough in the place of the mayor being so dead, absent, or otherwise incapable: Provided always, that in every case where there shall be more than one mayor within the boundaries of any borough as the same are or shall at any future time be settled in so far as respects the election of members to serve in parliament the mayor of that borough to which the writ of election shall be directed shall be the returning officer.

After the 9th of November, 1836, there will be two justices of the peace in each borough; but from the 1st of May, 1836, to the said 9th of November, there will be only one justice in boroughs not having a commission of the peace, or justices specially assigned. See sect. 38.

LVIII. And be it enacted, That the council of every borough, on the ninth day of November in this present year, shall appoint a fit person, not being a member of the council, to be the town officers; Power to council to appoint town clerk, treasurer, and other officers;

clerk of such borough, who shall hold his office during pleasure ; and in any borough may be an attorney of one of his Majesty's superior courts at Westminster, any law, statute, charter, or usage to the contrary notwithstanding ; and the council of every borough shall in every year appoint another fit person, not being a member of the council, to be the treasurer of the borough, and also such other officers as have been usually appointed in such borough, or as they shall think necessary for enabling them to carry into execution the various powers and duties vested in them by virtue of this act, and may from time to time discontinue the appointment of such officers as shall appear to them not necessary to be re-appointed ; and shall take such security for the due execution of his office by any such town clerk, treasurer, or other officer, as the said council shall think proper ; and shall order to be paid to the mayor, and to the town clerk and treasurer, and to every such other officer to be employed as aforesaid, such salary or allowance as the said council shall think reasonable ; and in case of a vacancy in any such office as aforesaid by death, resignation, removal, or otherwise, the council of such borough may appoint another fit person in the place of the person so making such vacancy ; provided that the town clerk and treasurer shall not be the same person.

and to take security for due discharge of their official duties.

Salaries.

By the foregoing section, the council are on the 9th day of November, in this present year, to appoint a town clerk during pleasure, but on that day there will be no council : the election of councillors being postponed to the 26th of December, the election of alder-

men to the 31st of December, and the election of mayor to the 1st of January, 1836, by the order in council of 11th of September, 1835. The town clerk being a ministerial officer of the corporation, there seems to be no good reason why he should not be appointed at any convenient time after the complete formation of the council. The present town clerk may continue to act until removed. See sect. 65.

LIX. And be it enacted, That the treasurer of any borough shall pay no money on account of the mayor, aldermen, and burgesses of such borough, save only in such case as is provided by this act, or upon the order in writing of the council, signed by three or more members of the council, and countersigned by the town clerk of such borough, or by order of the court of sessions of the peace for the borough, or of a justice of the peace acting in and for the borough in the discharge of his judicial duty, in such case as is provided by this act, or in such case as a court of sessions of the peace for any county, or a justice of the peace acting in and for a county in the discharge of his judicial duty, may make an order for the payment of money on the treasurer of such county, or for the payment of the salaries granted to any recorder or police magistrate as herein-after provided.

Treasurer to pay no money but by order of council.

LX. And be it enacted, That every town clerk, treasurer, or other officer appointed by the council as aforesaid shall, at such times during the continuance of his office or within three months after the expiration of his office, and in such manner as the said council shall direct, deliver to the council, or to such person as they shall authorize

Officers to account, &c. according to the orders of the council.

Summary
remedy
against off-
icers for not
accounting,
&c.

for that purpose, a true account in writing of all matters committed to his charge by virtue of this act, and also of all monies which shall have been by him received by virtue or for the purposes of this act, and how much thereof shall have been paid and disbursed, and for what purposes, together with proper vouchers for such payments, and also a list of the names of all such persons as shall not have paid the monies due from them for the purposes of this act, and of the amount due from each of them ; and every such officer shall pay all such monies as shall remain due from him to the treasurer for the time being, or to such person as the said council shall authorize to receive the same ; and if any such officer shall refuse or wilfully neglect to deliver such account, or the vouchers relating to the same, or such list as aforesaid, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said council, or to such person as they shall authorize, within three days after being thereunto required by notice in writing under the hands of any three or more of the said council, to be given to or left at the last place of abode of such officer, all books, papers, and writings in his custody or power relating to the execution of this act, or to give satisfaction to the said council, or to such other person as aforesaid, respecting the same, then and in every such case, upon complaint made on behalf of the said council, by such person as they shall authorize for that purpose, of any such refusal or wilful neglect as aforesaid, to any justice of the peace for the county or other juris-

diction wherein such officer so refusing or neglecting shall be or reside, such justice is hereby authorized and required to issue a warrant under his hand and seal for bringing such officer before any two justices of the peace for such county or jurisdiction; and upon the said officer appearing, or not being found, it shall be lawful for such justices to hear and determine the matter in a summary way; and if it shall appear to such justices that any monies remain due from such officer, such justices may and they are hereby authorized and required, upon nonpayment thereof, by warrant under their hands and seals, to cause such monies to be levied by distress and sale of the goods of such officer; and if sufficient goods shall not be found to satisfy the said monies and the charges of the distress, or if it shall appear to such justices that such officer has refused or wilfully neglected to deliver such account, or the vouchers relating thereto, or such list as aforesaid, or that any books, papers, or writings relating to the execution of this act remain in the hands or in the custody or power of such officer, and that he has refused or wilfully neglected to deliver the same, or to give satisfaction respecting the same as aforesaid, then and in every such case such justices shall and they are hereby required to commit such offender to the common gaol or house of correction for the county or jurisdiction where such offender shall be or reside, there to remain without bail until he shall have paid such monies as aforesaid, or shall have compounded with the said council for such monies, and shall have paid

such composition in such manner as they shall appoint, (which composition the said council are hereby empowered to make and receive,) or until he shall have delivered a true account as aforesaid, together with such vouchers and lists as aforesaid, or until he shall have delivered up such books, papers, and writings, or have given satisfaction in respect thereof, to the said council, or to such other person as aforesaid, as the case may be:

Proviso.

Provided always, that no person so committed shall be detained in prison for want of sufficient distress only for a longer space of time than three

Remedy by
action.

calendar months; provided also, that nothing in this act contained shall prevent or abridge any remedy by action against any such officer so offending as aforesaid, or against any surety for any such officer, but such officer shall not be sued by action, and also proceeded against in a summary manner by virtue of this act for the same cause.

Councils of
cities and
towns which
are counties
to name a
sheriff.

LXI. And be it enacted, That in the city of Oxford, in the town of Berwick-upon-Tweed, and in the counties of the cities of Bristol, Canterbury, Chester, Coventry, Exeter, Gloucester, Lichfield, Lincoln, Norwich, Worcester, and York, and in the counties of the towns of Caermarthen, Haverfordwest, Kingston-upon-Hull, Newcastle-upon-Tyne, Nottingham, Poole, and Southampton, the council shall on the first day of November in every year, appoint a fit person to execute the office of sheriff, with the like duties and powers as the sheriff or the person filling the office of sheriff in the said town and counties respectively, would

have had if this act had not passed ; and every person who, at the time of the passing of this act, shall hold the office or execute the duties of sheriff in the said town and counties respectively, shall continue to hold and execute the same until the first appointment of a sheriff therein under the provisions of this act, and no longer.

LXII. And be it enacted, That the council of every borough in which a separate court of quarter sessions of the peace shall be holden, as is hereinafter provided, shall, within ten days next after the grant of the said court shall have been signified to the council of such borough, appoint a fit person, not being an alderman or councillor, to be coroner of such borough so long as he shall well behave himself in his office of coroner, and shall fill up every vacancy of the office of coroner of the borough, by death, resignation, or removal, within ten days next after such vacancy shall have occurred, and none thereafter shall take any inquisition which belongs to the office of coroner within such borough, save only the coroner so from time to time to be appointed ; and every such coroner, for every inquisition which he shall duly take within such borough, shall be entitled to have the sum of twenty shillings, and also the sum of ninepence for every mile exceeding two miles which he shall be compelled to travel from his usual place of abode to take such inquisition, to be paid by the treasurer out of the borough fund of such borough, by order of the court of quarter sessions for such borough.

Council of
boroughs
having sepa-
rate court of
quarter ses-
sions to
appoint a
coroner.

Coroners to
make re-
turns to
secretary of
state of all
inquests
they may
hold.

LXIII. And be it further enacted, That on or before the first day of February in every year after the passing of this act every coroner appointed in any borough shall make and transmit to one of his Majesty's principal secretaries of state a return in writing, according to such form as the said secretary of state from time to time shall direct, of all the cases in which he may have been called upon to hold an inquest touching the cause of death of any person during the year ending on the thirty-first day of December immediately preceding.

County co-
roners to act
in other
boroughs.

LXIV. And be it enacted, That in every borough in and for which no separate court of quarter sessions of the peace shall be holden no person from and after the end of this present year shall take any inquisition which belongs to the office of coroner within such borough save only the coroner for the county or district in which such borough is situated ; and the coroner of such county or district, for every inquisition which he shall duly take within any place or precinct within any such borough, shall be entitled to have such rateable fees and salary as would be allowed and due to him, and to be allowed and paid in like manner, as for any other inquisition taken by him within such county : Provided always, that nothing in this act contained shall extend or be construed to annul, diminish, or affect the authority of the lord high admiral or of the commissioners for executing the office of lord high admiral of the United Kingdom for the time being, or of the judge of the High Court of Admiralty of England, as the lieutenant of the lord high admiral

Having an
authority of
lord high
admiral and
judge of
admiralty
court.

in the said court, to appoint coroners to act within the jurisdiction of the Admiralty in the several ports and havens and on the sea coast of England, and to take inquisitions touching deaths happening within the said jurisdiction, as hath heretofore been done.

LXV. And be it enacted, That the council elected under this act in any borough shall have power to remove from his office every bailiff, treasurer, or chamberlain, and every other ministerial or executive officer of such borough and body corporate who shall be in office at the time of the first election of councillors under this act; and every such bailiff, treasurer, or chamberlain, and every other ministerial or executive officer in such borough, shall continue to act in the same capacity as heretofore, and to execute all the duties heretofore belonging to his office, and be entitled to have the same salaries, fees, and emoluments as he would have had if this act had not passed, until he shall be removed from his office, and no longer, unless he shall be re-appointed according to the provisions of this act; and every officer who shall be in possession or receipt of any monies, goods, valuable securities, books, and papers belonging to or concerning the body corporate whose officer he is shall deliver up and account for the same to the council of such body corporate appointed under this act; and the council shall have the same remedy against such officer to recover the same as is herein-before provided in the case of officers appointed by such council: Provided Council empowered to remove borough officers. Such officers to continue until removed. Town clerk to have custody of always, that all the charters, deeds, muniments, tody of

deeds, man- and records of every borough. or relating to the
 nent, &c. property thereof. shall be kept in such place as
 the council from time to time shall direct, and the
 town clerk for the time being shall have the charge
 and custody of and be responsible for the same.

Officers to LXVI. And be it enacted, That every officer
 receive of any borough or county who shall be in any
 compensation. office of profit at the time of the passing of this
 tion. on re- act, whose office shall be abolished, or who shall
 moval. be removed from his office under the provisions
 of this act, or who shall not be re-appointed as
 aforesaid, shall be entitled to have an adequate
 compensation, to be assessed by the council, and
 paid out of the borough fund, for the salary, fees,
 and emoluments of the office which he shall so
 cease to hold, regard being had to the manner of
 his appointment to the said office, and his term or
 interest therein, and all other circumstances of the
 case ; and every person entitled to such compen-
 sation as aforesaid shall deliver to the town clerk,
 or in case such person shall himself be town clerk
 then to the treasurer of the borough, a statement
 under the hand of such person, setting forth the
 amount received by him or his predecessors in
 every year during the period of five years next
 before the passing of this act on account of the
 salary, fees, emoluments, profits, and perquisites
 in respect whereof he shall claim such compen-
 sation, distinguishing the office, place, situation,
 employment, or appointment in respect whereof
 the same shall have been received, and containing
 a declaration that the same is a true statement ac-
 to deliver
 statement of
 claims.

cording the best of the knowledge, information, and belief of such person, and also setting forth the sum claimed by him as such compensation ; and the town clerk or treasurer, as the case shall be, shall lay such statement before the council, who shall take the same into consideration, and determine thereon ; and immediately upon such determination being made the person preferring such claim, if he shall not himself be the town clerk, shall be informed thereof by notice in writing under the hand of the town clerk ; and in case such claim shall be admitted in part and disallowed in part, such notice shall specify the particulars in which the same shall have been admitted and disallowed respectively ; and in case the person preferring such claim shall think himself aggrieved by the determination of the council thereon, or in case one third of the members of the council shall subscribe a protest against the amount of compensation allowed by the determination of the council as excessive, it shall be lawful for the person preferring such claim, or any member of the council who shall subscribe such protest, to appeal to the lords commissioners of his Majesty's treasury, who shall thereupon make such order as to them shall seem just ; and such order, signed by three or more of such lords commissioners, shall be binding on all parties : Provided always, that if the council shall not determine on such claim within six calendar months after the aforesaid statement shall be delivered to the town clerk or treasurer, as the case shall be, such claim shall be considered as admitted : Provided also, that it shall not be lawful for any

Where claim
disputed ap-
peal to the
treasury.

member of the council to subscribe such protest as aforesaid except within such period of six calendar months: Provided also, that the person preferring such claim, if any member of the council shall so require, upon receiving notice in writing signed by the town clerk, unless such person shall himself be town clerk, in which case no such notice shall be requisite, shall from time to time attend at any meeting or adjourned meeting of the council for the investigation of such claim, and then and there, upon his oath or solemn affirmation, to be taken or made before the mayor, (who is hereby authorized to administer the same,) shall answer all such questions as shall be asked by any member of the council touching the matters set forth in the statement subscribed by such person as aforesaid, and produce all books, papers, and writings in his possession, custody, or power relating thereto: Provided also, that every such officer who shall be continued in or re-appointed to such office under the provisions of this act, and who shall be subsequently removed from such office for any cause other than such misconduct as would warrant removal from any office held during good behaviour, shall be entitled to compensation in like manner as if he had been forthwith removed under the provisions of this act, and had not been continued in or re-appointed to such office.

Compensation to be secured by bond under common seal of the borough.

LXVII. And be it enacted, That the sum payable to any person as such compensation as aforesaid shall be secured to such person by bond or obligation under the common seal of the borough

out of whose funds the same shall be payable, in a sufficient penalty, conditioned for the payment to such person, his executors or administrators or assigns, of such sum, with all arrears thereof (if any) accrued due before the date of such bond; and such bond or obligation shall be prepared and executed at the expence of the borough fund, and delivered to the person entitled to such compensation as soon as conveniently may be after the amount thereof shall have been admitted as aforesaid by the council of the borough; or shall have been determined, in the event of such appeal as aforesaid, by the order of the said lords commissioners.

LXVIII. And be it enacted, That all pensions and allowances granted on or before the fifth day of June in this present year, by the corporate body named in the said schedules (A.) and (B.) in conjunction with any borough, to any retired officer or servant, or to the widow or child of any officer or servant, and all stipends and allowances which during seven years next before the said fifth day of June have been usually paid and granted to the minister or late minister of any church or chapel, or to the master or usher of any school, or to the governor or master of any hospital within such borough, and all charitable allowances which have been usually paid as aforesaid to the inmates of any almshouses by such corporate body, shall be secured, as soon as conveniently may be after the passing of this act, to every person entitled or accustomed to have and receive the same;

Pensions and allowances granted prior to 5th of June, secured by like bond.

by bond or obligation under the common seal of the borough, out of whose funds the same shall be payable, in a sufficient penalty, conditioned for the payment to such person, his executors and administrators, of such pension, stipend, or allowance, with all arrears thereof, if any, accrued due before the date of such bond; and such bond or obligation shall be prepared and executed at the expence of the borough fund.

All acts of the council to be decided by a majority of councillors present; one third part of the whole number to be a quorum

LXIX. And be it enacted, That all acts whatsoever authorized or required by virtue of this act to be done by the council of such borough, and all questions of adjournment or others that may come before such council, may be done and decided by the majority of the members of the council who shall be present at any meeting held in pursuance of this act, the whole number present at such meeting not being less than one third part of the number of the whole council; and at all such meetings, the mayor, if present, shall preside; and the mayor, or, in the absence of the mayor, such alderman, or in the absence of all the aldermen, such councillor as the members of the council then assembled shall choose to be the chairman of that meeting shall have a second or casting vote in all cases of equality of votes; and minutes of the proceedings of all such meetings shall be drawn up and fairly entered into a book to be kept for that purpose, and shall be signed by the mayor, alderman, or councillor presiding at such meeting; and the said minutes shall be open to the inspection of any burgess at all reasonable times on pay-

ment of a fee of one shilling : Provided always, Notice of meetings of council. that previous to any meeting of the council held by virtue of this act a notice of the time and place of such intended meeting shall be given three clear days at least before such meeting, by fixing the said notice on or near the door of the town hall of the borough ; and such notice shall be signed by the mayor, who shall have power to call a meeting of the council as often as he shall think proper ; and in case the mayor shall refuse to call any such meeting after a requisition for that purpose signed by five members of the council at the least shall have been presented to him, it shall be Where mayor shall refuse to call meeting. lawful for the said five members to call a meeting of the council by giving such notice as is hereinbefore required in that behalf, such notice to be signed by the said members instead of the mayor, and stating therein the business proposed to be transacted at such meeting ; and in every case a summons to attend the council, specifying the business proposed to be transacted at such meeting, signed by the town clerk, shall be left at the usual place of abode of every member of the council or at the premises in respect of which he is enrolled a burgess, three clear days at least before such meeting ; and no business shall be transacted at such meeting other than is specified in the notice : Provided always, that there shall be in Quarterly meetings of council every borough four quarterly meetings in every year at which the council shall meet for the transaction of general business, and no notice shall need to be given of the business to be transacted on such quarterly days ; and the said quarterly

meetings shall be holden at noon on the ninth day of November, or if the ninth day of November shall fall on a Sunday on the day following, and at such hour on such other three days before the first day of November then next following as the council at the quarterly meeting in November shall decide ; and the first business transacted at the quarterly meeting in November shall be the election of mayor.

The third part of the number of the whole council authorized to act at any meeting must be a third part of the whole number of the council when complete ; and not merely a third part of the members of the council who may happen to exist at the time of the meeting.

In the smallest corporations the number of the council when complete will be sixteen ; and the smallest number of the council required to be present at a meeting in order to bind the whole body will be six. This number may be made up of the mayor, or chairman, and five other members of the council ; and if the six are equally divided on any question, the mayor, or chairman, may decide it by giving a casting vote.

It will be seen that when a meeting of the council is called by five members thereof, notice of the business, as well as of the time and place of meeting, is to be given ; but where a meeting is called by the mayor, notice of the time and place of meeting only is required ; but the omission of the business to be transacted in the notice to be given by the mayor is rendered immaterial by the summons to attend the council, specifying the business to be transacted at such meeting, which is required to be given to each burgess in the manner above pointed out.

**Council may
appoint
committees.** LXX. And be it enacted, That it shall be lawful for the council of any borough to appoint out of their own body, from time to time, such and so many committees, either of a general or special nature, and consisting of such number of persons as they may think fit, for any purposes which, in the discretion of such council, would be better

regulated and managed by means of such committees : Provided always, that the acts of every such committee shall be submitted to the council for their approval.

LXXI. And whereas divers bodies corporate Charitable trustees.
now stand seised or possessed of sundry hereditaments and personal estate, in trust, in whole or in part, for certain charitable trusts, and it is expedient that the administration thereof be kept distinct from that of the public stock and borough fund ; be it enacted, That in every borough in which the body corporate, or any one or more of the members of such body corporate, in his or their corporate capacity, now stands or stand solely, or together with any person or persons elected solely by such body corporate, or solely by any particular number, class, or description of members of such body corporate seised or possessed for any estate or interest whatsoever of any hereditaments, or any sums of money, chattels, securities for money, or any other personal estate whatsoever, in whole or in part in trust or for the benefit of any charitable uses or trusts whatsoever, all the estate, right, interest, and title, and all the powers of such body corporate, or of such member or members of such body corporate, in respect of the said uses and trusts, shall continue in the persons who at the time of the passing of this act Continues to Aug. 1st, 1836.
are such trustees as aforesaid, notwithstanding that they may have ceased to hold any office by virtue of which before the passing of this act they were such trustees, until the first day of August one

Chancellor
to appoint
on vacancy.

thousand eight hundred and thirty-six, or until parliament shall otherwise order and shall immediately thereupon utterly cease and determine : Provided always, that if any vacancy shall be occasioned among the charitable trustees for any borough before the said first day of August, it shall be lawful for the lord high chancellor, or lords commissioners of the great seal for the time being, upon petition, in a summary way, to appoint another trustee to supply such vacancy ; and every person so appointed a trustee as last aforesaid shall be a trustee until the time at which the person in the room of whom he was chosen would regularly have ceased to be a trustee, and he shall then cease to be a trustee : Provided also, that if parliament shall not otherwise direct, on or before the said first day of August one thousand eight hundred and thirty-six, the lord high chancellor or lords commissioners of the great seal shall make such orders as he or they shall see fit for the administration, subject to such charitable uses or trusts as aforesaid, of such trust estates.

Council to
act as trustees where
corporators
were ex
officio sole
trustees.

LXXII. And be it enacted, that the body corporate named in the said schedules (A.) and (B.) in conjunction with any borough shall be trustees for executing by the council of such borough the powers and provisions of all acts of parliament made before the passing of this act, (other than acts made for securing charitable uses and trusts,) and of all trusts (other than charitable uses and trusts) of which the said body corporate, or any of the members thereof in their corporate capacity,

was or were sole trustees before the time of the first election of councillors in such borough under this act.

LXXIII. And be it enacted, That in every borough in which the body corporate, or a particular or limited number, class, or description of members of the body corporate, or of persons appointed by the body corporate, was or were before the passing of this act trustees jointly with other trustees for the execution of any act of parliament, or of any trust, or in which the body corporate, or any particular or limited number, class, or description of members or nominees of the body corporate, by any statute, charter, bye law, or custom was or were before the passing of this act lawfully appointed to or exercised any powers, duties, or functions whatsoever not otherwise herein provided for, and the continuance of which is not inconsistent with the provisions of this act, the council of such borough, on the day named in such act as last aforesaid, or in the deed or will by which such trust is created for a new election, nomination, or appointment of trustees, or on which such new election, nomination, or appointment has usually been made, (and if there shall be no such day named or usually observed, then on the first day of January in every year,) shall appoint the like number of members of the council, or as near as may be to the like number of members of the council, as there were theretofore members or nominees of such corporate body who in right of their office were such trustees, or charged with the execution of such powers, duties, and functions, in room

Council to appoint a limited number of councillors to be joint trustees for certain purposes.

of the members or nominees of such corporate body ceasing to be trustees, or ceasing to exercise such powers, duties, and functions by virtue of this act, and in every case of extraordinary vacancy among the trustees or persons so appointed by the council shall forthwith appoint one other member of the council in the room of the person by whom such vacancy has been made, and to hold his trust or office for such time as the person by whom such vacancy has been made would regularly have held it.

Present
trustees of
certain acts
continued
for a definite
time.

LXXIV. And be it enacted, That notwithstanding any thing in this act contained, every member of any body corporate who in his corporate capacity, and every nominee of any body corporate, or any particular number, class, or description of members of such body corporate, who at the time of the passing of this act shall be for a definite number of years or other shorter time a trustee of such acts or trusts as last aforesaid, shall continue to be such trustee until the time when he would have ceased to be such trustee if this act had not passed; and if a trustee for an indefinite time, or for life, or for so long as he shall be a member, or of a particular class or description of such body corporate, then until the first day of January in the year one thousand eight hundred and thirty-six, and no longer: and every member of the council appointed under the provisions of this act to be a trustee of such acts or trusts as last aforesaid shall continue to be such trustee until the time herein provided for the

new appointment of a member of the council to be trustee in his room, notwithstanding that he may have ceased to be a member of the council ; and in case any particular member or officer of any of the said bodies corporate shall have been appointed by any such act, or by any such trust deed or will as last aforesaid, to perform during a definite number of years or other shorter time any specific powers, duties, or functions whatsoever, the person who at the time of the passing of this act shall be the person designated and qualified to perform the same shall continue to perform the same until the time when he would have ceased to perform the same if this act had not passed ; and if appointed for an indefinite time, or for life, or for so long as he shall be a member, or of a particular class or description of such body corporate, then until the first day of January in the year one thousand eight hundred and thirty-six and no longer : Provided nevertheless, that nothing in this act shall be construed to extend to the body corporate of the trustees of the Liverpool docks, but that every person who at the time of the passing of this act shall be a trustee of the Liverpool docks, and none other, shall be continued to be such trustee until the first day of November in the year one thousand eight hundred and thirty-six, and no longer ; and every such trustee who is appointed to discharge, or in his corporate capacity discharges any powers, duties, or functions whatsoever in respect of the said last-mentioned trust estate, and none other, shall continue to discharge the same, as if this act had not passed,

Trustees not to go out of Office by reason of ceasing to be of the council until the time prescribed by the terms of the trust.

Trustees of Liverpool docks continued to Nov. 1, 1836.

until the first day of November in the year one thousand eight hundred and thirty-six, and no longer.

Powers
vested in
trustees may
be trans-
ferred to
councillors.

LXXXV. And whereas it may be expedient that the powers now vested in the trustees appointed under sundry acts of parliament for paving, lighting, cleansing, watching, regulating, supplying with water, and improving certain boroughs, or certain parts thereof, should be transferred to and vested in the councils of such boroughs respectively ; be it enacted, That the trustees appointed by virtue of any such act of parliament as last aforesaid, wherein the trustees, or the persons whose trustees they may be, are not beneficially interested, may, if it shall seem to them expedient, at a meeting to be called for that purpose, transfer in writing under their hands and seals all the powers vested in them as such trustees by any such act or acts of parliament as aforesaid to the said body corporate of such borough, and the said body corporate of such borough shall thenceforth be trustee for executing by the council of such borough the several powers and provisions of any such act or acts of parliament, and the members of the council shall have the same powers and be subject to the same duties as if their names had been originally inserted in such act or acts, or as if they had been elected under the provisions of any such act or acts as such trustees respectively : Provided always, that no such transfer as aforesaid shall be made of the powers vested by virtue of the acts mentioned in schedule (E.) which relate

to the town of Cambridge, without the consent of the chancellor, masters, and scholars of the University of Cambridge.

LXXVI. And be it enacted, That the council to be elected for any borough shall, immediately after their first election, and so from time to time thereafter as they shall deem expedient, appoint, for such time as they may think proper, a sufficient number of their own body, who, together with the mayor of the borough for the time being, shall be and be called the watch committee for such borough; and all the powers herein-after given to such committee may be executed by the majority of those who shall be present at any meeting of such committee, the whole number present at such meeting being not less than three; and such watch committee shall, within three weeks after their first formation, and so from time to time thereafter as occasion shall require, appoint a sufficient number of fit men who shall be sworn in before some justice of the peace having jurisdiction within the borough to act as constables for preserving the peace by day and by night, and preventing robberies and other felonies, and apprehending offenders against the peace; and the men so sworn shall not only within such borough, but also within the county in which such borough or part thereof shall be situated, and also within every county being within seven miles of any part of such borough, and also within all liberties in any such county, have all such powers and privileges, and be liable

A watch committee to be appointed, to consist of the mayor and councilmen; such committee to appoint constables for the borough

Constables to be for the county, &c. as well as borough.

to all such duties and responsibilities, as any constable duly appointed now has or hereafter may have within his constablewick by virtue of the common law of this realm, or of any statutes made or to be made, and shall obey all such lawful commands as they may from time to time receive from any of the justices of the peace having jurisdiction within such borough, or within any county in which they shall be called on to act as constables, for conducting themselves in the execution of their office.

Watch committee to make regulations for the management of the constables.

LXXVII. And be it enacted, That the watch committee for any such borough as aforesaid may from time to time frame such regulations as they shall deem expedient for preventing neglect or abuse, and for rendering such constables efficient in the discharge of their duties; and the said committee, or any two justices of the peace having jurisdiction within the borough, may at any time suspend or dismiss any constable whom they shall think negligent in the discharge of his duty, or otherwise unfit for the same; and when any man shall be so dismissed, or cease to belong to the said constabulary force, all powers vested in him as a constable by virtue of this act shall immediately cease; and no man so dismissed as aforesaid shall be re-appointed without the consent of two of the justices of the peace having jurisdiction within the borough.

Power to constables to apprehend disorderly persons, &c.

LXXVIII. And be it enacted, That it shall be lawful for any constable during the time of his

being on duty to apprehend all idle and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of intention to commit a felony, and to deliver any person so apprehended into the custody of the constable appointed under this act, who shall be in attendance at the nearest watch-house, in order that such person may be secured until he can be brought before a justice of the peace to be dealt with according to law, or may give bail for his appearance before a justice of the peace, if the constable shall think fit to take bail, in the manner herein-after mentioned.

LXXIX. And be it enacted, That where any person charged with any petty misdemeanor shall be brought without the warrant of a justice of the peace into the custody of any constable appointed under this act, during his attendance in the night-time at any watch-house within any such borough as aforesaid, it shall be lawful for such constable, if he shall think fit, to take bail by recognizance, without any fee or reward, from such person, conditioned that such person shall appear for examination within two days before a justice of the peace within the borough at some time and place to be specified in the recognizance; and every recognizance so taken shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof, as if the same had been taken before a justice of the peace; and the constable shall enter in a book, to be kept for that purpose in every watch-house,

Constables attending at the watch-houses in the night may take bail by recognizance from persons brought before them for petty misdemeanors, such recognizance to be conditioned for the appearance of the parties before a magistrate.

the names, residence, and occupation of the party, and his surety or sureties, if any, entering into such recognizance, together with the condition thereof, and the sums respectively acknowledged, and shall lay the same before such justice as shall be present at the time and place when and where the party is required to appear; and if the party does not appear at the time and place required, or within one hour after, the justice shall cause a record of the recognizance to be drawn up to be signed by the constable, and shall return the same to the next general or quarter sessions of the peace for the borough, or for the county in which such borough is situate, in those boroughs for which there shall be no separate general or quarter sessions of the peace, with a certificate at the back thereof, signed by such justice, that the party has not complied with the obligation therein contained; and the clerk of the peace shall make the like estreats and schedules of every such recognizance as of recognizances forfeited in the sessions of the peace; and if the party not appearing shall apply by any person on his behalf to postpone the hearing of the charge against him, and the justice shall think fit to consent thereto, the justice shall be at liberty to enlarge the recognizance to such further time as he shall appoint; and when the matter shall be heard and determined, either by the dismissal of the complaint or by binding the party over to answer the matter thereof at the sessions, or otherwise, the recognizance for the appearance of the party before a justice shall be discharged without fee or reward.

In default of appearance recognizance to be forfeited.

Time of hearing may be postponed.

LXXX. And be it enacted, That if any constable of any borough shall be guilty of any neglect of duty or of any disobedience of any lawful order, every such offender, being convicted thereof before any two justices of the peace, shall for every such offence be liable to be imprisoned for any time not exceeding ten days, or to be fined in any sum not exceeding forty shillings, or to be dismissed from his office, as such justices shall in their discretion think meet.

Penalties on constables for neglect of duty.

LXXXI. And be it enacted, That if any person shall assault or resist any constable of any borough appointed under this act in the execution of his duty, or shall aid or incite any person so to assault or resist, every such offender, being convicted thereof before any two justices of the peace, shall for every such offence forfeit and pay such sum not exceeding five pounds as the said justices shall think meet: Provided always, that nothing herein contained shall prevent any prosecution by way of indictment against any person so offending, but so as that such person shall not be prosecuted by indictment and also proceeded against under this act for the same offence.

Penalty for assaulting or resisting constables.

Proviso.

LXXXII. And be it enacted, That the treasurer of every borough appointed under this act shall pay to the constables of such borough appointed under this act such salaries, wages, and allowances, and at such periods, as the watch committee for such borough shall, subject to the approbation of the council, direct, and the coun-

Regulation and payment of expenses.

cil shall order to be paid also any extraordinary
 expences which such persons shall appear to have
 necessarily incurred in apprehending offenders and
 executing the orders of any justice of the peace
 having jurisdiction within such borough, such
 expences having been first examined and approved
 by such justice; and the said treasurer shall also
 pay such further sums as the watch committee
 shall, subject to the approbation of the council,
 award to any of the persons belonging to the said
 constabulary force, as a reward for extraordinary
 diligence or exertion, or as a compensation for
 wounds or severe injuries received in the perform-
 ance of their duty, or as an allowance to such of
 them as shall be disabled by bodily injury re-
 ceived, or shall be worn out by length of service,
 and all other charges and expences which the
 watch committee shall, subject to the approbation
 of the council, direct to be paid for the purposes of
 the constabulary force under this act.

Rewards for
 activity, &c.

Magistrates
 to appoint
 annually a
 certain
 number of
 persons to
 act as spe-
 cial consta-
 bles.

LXXXIII. And be it enacted, That any two
 or more of the justices of the peace having juris-
 diction within any borough are hereby authorized
 and required in the month of October in every
 year to nominate and appoint by precept in writ-
 ing, under their hands, so many as they shall
 think fit of the inhabitants of such borough (not
 legally exempt from serving the office of con-
 stable), to act as special constables within such
 borough whensoever they shall be required by the
 warrant of any of the justices of the peace having
 jurisdiction within such borough so to act, and

not otherwise ; and every such warrant shall recite that in the opinion of the justice granting the same the ordinary police force of the borough is insufficient at that time to maintain the peace of the borough ; and every person so appointed a special constable shall take the oath set forth in the act passed in the session of parliament holden in the first and second years of the reign of his present Majesty, intituled *An Act for amending the Laws relative to the Appointment of Special Constables, and for the better Preservation of the Peace*,^{1 & 2 W. 4, c. 41.} and shall have the powers and immunities and be liable to the duties and penalties enacted by the said last-mentioned act ; and every person so appointed a special constable shall receive, out of the borough fund, for every day during which he shall be called out to act as such, the sum of three shillings and sixpence, and no more.^{Payment of special constables.}

LXXXIV. And be it enacted, That as soon as constables shall have been appointed by the watch committee for any borough, a notice, signed by the mayor of such borough, specifying the day on which such constables shall begin to act, shall be fixed on the door of the town hall and every church within such borough ; and on the day so specified in such notice so much of all acts named in conjunction with such borough in the schedule (E.) to this act annexed, and of all acts made before the passing of this act, as relates to the appointment, regulation, powers, and duties, or to the assessment or collection of any rate to provide for the expences of any watchmen, constables, patrol, or

On notice of appointment of constables the present provisions in local acts as to watching, &c. to cease.

Watch-boxes, arms, &c. to be given up for the use of the constables appointed under this act.

Penalty for not giving them up.

police for any place situated within such borough, shall cease and determine ; and all watch-houses and watch-boxes in any such place, and all arms, accoutrements, and other necessities provided at the public expence for any watchmen, constables, patrol, or police therein, shall be given up to such persons as shall be named by the said mayor in such notice, for the use and accommodation of the constables to be appointed under this act, and all the property so to be given up shall be deemed to belong to the body corporate of such borough ; and in case any person having the charge, control, or possession of any watch-house, watch-box, arms, accoutrements, or necessities as aforesaid shall neglect or refuse to give up the same as heretofore required, every such offender, being convicted thereof before any two justices of the peace, shall for every such offence forfeit and pay, over and above the value of the property not given up, such sum not exceeding five pounds as the said justices shall think meet ; and where there shall be any building in any such place as aforesaid a part only of which building shall have been heretofore used as a watch-house, such part shall be given up every day, from the hour of four in the afternoon until the hour of nine in the forenoon, for the use and accommodation of the constables to be appointed under this act ; and if any person having the charge, control, or possession of any such building shall neglect or refuse to give up such part thereof for the purposes aforesaid, or to permit free access thereto or egress therefrom during any portion of the time above prescribed, every

such offender, being convicted thereof before any two justices of the peace, shall for every such offence forfeit and pay such sum not exceeding five pounds as the said justices shall think meet: Provided nevertheless, that in every case in which before the passing of this act a rate might be levied in any borough for the purpose of watching, conjointly with any other purpose, nothing in this act contained shall be construed to prevent the levying and collecting of such rate for such other purpose solely, or to repeal the powers given in any act so far as the same relate to such other purpose: Provided always, that where the amount of such rate before the passing of this act might not exceed a given rate in the pound on the value of property rateable thereunto, the rate so to be levied for such other purpose solely shall not exceed such proportion of the said given rate in the pound as shall appear to have been expended for such purpose other than watching by an account of the average yearly expenditure during the last seven years, or where such rate shall not have been levied during seven years, then during such less number of years as such rate shall have been levied.

LXXXV. Provided always, and be it enacted, That any rate for defraying the expences of any watchmen, constables, patrol, or police in any such place as aforesaid, made previously to the day specified in such notice as aforesaid, shall be levied and collected in the same manner as if this act had not been passed: Provided also, that nothing

Proviso as
to rates in
arrear, and
as to debts.

herein contained shall prevent the levying and collecting of any rate in any such place as aforesaid for the purpose of paying any debt contracted before the passing of this act, or the interest of any such debt, but that such rate shall and may be levied and collected in the same manner as if this act had not been passed.

Watch committee to transmit a report quarterly to the secretary of state and also a copy of their rules, &c.

LXXXVI. And be it enacted, That the watch committee of every such borough shall, on the first day of January, the first day of April, the first day of July, and the first day of October in every year, transmit to one of his Majesty's principal secretaries of state a report of the number of men appointed to act as constables or policemen in such borough, and of the description of arms, accoutrements, and clothing, and other necessities furnished to each man, and of the salaries, wages, and allowances payable to such constables or policemen, and of the number and situation of all station houses in such borough; and also a copy of all rules, orders, and regulations which shall from time to time be made by such watch committee or by the council of such borough for the regulation and guidance of such constables or policemen.

Power for council to order parts of a borough not within a local act as to lighting to be included in such act.

LXXXVII. "And whereas parts of certain boroughs are within the provisions of one or more local act or acts for regulating the lighting thereof, and certain other parts of the same boroughs are not within the provisions of any local act for regulating the lighting thereof, and for

want of such lighting the efficiency of the constables may be much diminished, and great facilities afforded for the commission of crimes and for the escape of offenders ;" for remedy thereof be it enacted, That it shall be lawful for the council of any borough in any part of which there is a local act for the lighting thereof to make an order that any part of such borough not being within the provisions of any local act for the lighting thereof shall, from and after a certain day to be named in such order, be taken to be within the provisions of such local act or acts for lighting any part of such borough as the common council shall specify in such order ; and after such day the part named in such order shall be within the provisions of the act or acts so specified, so far as relates to lighting, or to any rates authorized to be levied for the purpose of lighting, as fully as if such part had been originally named in such act or acts, any thing in such act or acts to the contrary notwithstanding :

Provided always, that every part named in such order shall be lighted in the like manner as those parts which before the making of such order were within the provisions of such local act, and that the rate to be raised for the purpose of defraying the expences of lighting any part so named in such order shall not exceed the average expence in the pound of the lighting of the other parts of such borough.

Proviso as to
amount of
rate for
lighting.

LXXXVIII. And be it enacted, that if the council of any borough chosen under this act shall,

Council may
assume the
powers of

inspectors
under the
3 & 4 W. 4,
c. 90, for
lighting any
part of the
borough not
within a
local act for
lighting the
same.

by public notice to be affixed on the outer door of the town hall or in some public place within the borough declare that on a certain day, to be named in such notice, not less than twenty-one days after the day on which such public notice shall have been given, they will take upon themselves the powers given to the inspectors named in a certain act made in the third and fourth year of his present Majesty, intituled *an Act to repeal an Act of His late Majesty King George the Fourth, for the lighting and watching of parishes in England and Wales, and to make other provisions in lieu thereof*, so far as the same relates to the lighting the whole or any part of any borough which is not within the provisions of any local act, or in which there is no power of levying rates for lighting the same, the council of such borough shall, after the day named in such notice, have the same powers and duties as belong to inspectors under the said last-recited act in regard to lighting, and to levying rates for the purpose of lighting such part of the borough, except so far as the same are contrary to or inconsistent with the provisions of this act ; and in such case the council shall have the sole power to fix and determine the amount of money which they will call for in any one year for the purpose of lighting such part of the borough, so that such sum shall not exceed the rate of sixpence in the pound on the full and fair annual value of all property rateable to the relief of the poor within such part of the borough : Provided also, that it shall not be lawful in such case for the inhabitants of

such part of the borough at any time to determine that the provisions of the said recited act shall cease to be acted upon.

LXXXIX. Provided always, and be it enacted, That nothing herein contained shall be construed to interfere with the watching, paving, or lighting, and internal regulations established for the government and security of any of his Majesty's dockyards, victualling establishments, arsenals, and barracks respectively; nor shall any of the tenements within the said dockyards, victualling establishments, arsenals, or barracks, or the inhabitants of the same, be liable to be assessed to the rates for watching, paving, or lighting the other parts of the city, borough, or parish within which the same may be respectively situated, unless such tenements or the inhabitants thereof are now or may hereafter become liable to be assessed to any such rates made under or by virtue of any law or statute now in force; nor shall any thing herein contained extend to defeat or affect the authority of justices of the peace which by an act passed in the second year of his present Majesty's reign, intituled *An Act to amend the Laws relating to the Business of the Civil Departments of the Navy, and to make other regulations for more effectually carrying on the Duties of the said Departments*, is vested in the commissioners for executing the office of Lord High Admiral of the United Kingdom, and in the superintendents of the several dockyards and other naval and victualling establishments, in all places and in all matters relating to his

Act not to interfere with the regulations for the government, &c. of dockyards, arsenals, &c.

2 & 3 W. 4, c. 40.

Majesty's naval service, and to the stores, provisions, ammunition, and accounts thereof.

Council to have power to make bye laws, for the government of the borough and the prevention of nuisances.

XC. And be it enacted, That it shall be lawful for the council of any borough to make such bye laws as to them shall seem meet for the good rule and government of the borough, and for prevention and suppression of all such nuisances *as are not already punishable in a summary manner by virtue of any act in force throughout such borough*, (1) and to appoint by such bye laws such fines as they shall deem necessary for the prevention and suppression of such offences; provided that no fine so to be appointed shall exceed the sum of five pounds, and that no such bye law shall be made unless at least *two-thirds of the whole number* of the council shall be present; (2) provided that no such bye law shall be of any force until the expiration of forty days after the same or a copy thereof shall have been sent, sealed with the seal of the said borough, to one of his Majesty's principal secretaries of state, and shall have been affixed on the outer door of the town hall, or in some other public place within such borough; and if at any time within the said period of forty days his Majesty, with the advice of his privy council, shall disallow the same bye law or any part thereof, such bye law or the part

(1) It is implied that such nuisances as are already punished in a summary manner by virtue of any act will still continue to be so punishable, and cannot be the subject of a bye law made under the power hereby given.

(2) See note to section 69.

thereof disallowed shall not come into operation :
 Provided also, that it shall be lawful for his Majesty, if he shall think fit, at any time within the said period of forty days to enlarge the time within which such bye law, if disallowed, shall not come into force ; and no such bye law shall in that case come into force until after the expiration of such enlarged time. (3)

XCI. And be it enacted, That all the provisions *herein after contained* relative to offences against this act punishable upon summary conviction shall be taken to apply to all offences committed in breach of any bye law or regulation made by virtue of this act. (4)

The provisions relative to summary convictions extended to breaches of bye laws. See sec. 127, 128, 129, 130, 131, 132.

XCII. And be it enacted, That after the election of the treasurer in any borough the rents and profits of all hereditaments, and the interest, dividends, and annual proceeds of all monies, dues, chattels, and valuable securities belonging or payable to any body corporate named in conjunction

The rents, and proceeds of all corporate property, and all fines received to be carried to the account of the borough fund.

(3) The power of disallowing bye-laws which is given to his Majesty in council, is a very wholesome check upon the borough council. The bye-laws may be such as to the borough council shall seem meet, but they must be consistent with reason and law. If they are not, the sanction of the King in council cannot give them validity. In particular, they must not be repugnant to or inconsistent with the provisions of this act.

(4) The council might make bye-laws for the good rule and government of the borough, and the prevention of nuisances without the express authority of parliament, but without such express authority, the observance of them could not be enforced by the efficacious means hereinafter provided relative to offences punishable upon summary conviction.

Payment of debts, &c. salaries of recorder, town clerk, treasurer, and other officers, and election expences to be paid out of such fund.

with the said borough in the said schedules (A.) and (B.), or to any member or officer thereof in his corporate capacity, and every fine or penalty for any offence against this act (the application of which has not been already provided for), shall be paid to the treasurer of such borough; and all the monies which he shall so receive shall be carried by him to the account of a fund to be called "The Borough Fund;" and such fund, subject to the payment of any lawful debt due from such body corporate to any person, which shall have been contracted before the passing of this act, and unredeemed, or of so much thereof as the council of such borough from time to time shall be required or shall deem it expedient to redeem, and to the payment from time to time of the interest of so much thereof as shall remain unredeemed, and saving all rights, interests, claims, or demands of all persons or bodies corporate in or upon the real or personal estate of any body corporate by virtue of any proceedings either at law or in equity which have been already instituted or which may be hereafter instituted, or by virtue of any mortgage or otherwise, shall be applied towards the payment of the salary of the mayor, and of the recorder, and of the police magistrate herein-after mentioned when there is a recorder or police magistrate, and of the respective salaries of the town clerk and treasurer and of every other officer whom the council shall appoint, and also toward the payment of the expences incurred from time to time in preparing and printing burgess lists, ward lists, and notices, and in other matters attending such elections

as are herein mentioned, and, in boroughs which shall have a separate court of sessions of the peace as is herein-after provided, towards the expences of the prosecution, maintenance, and punishment of offenders, and towards such other sum to be paid by such borough to the treasurer of such county as is herein-after provided, and towards the expence of maintaining the borough gaol, house of correction, and corporate buildings, and towards the payment of the constables, and of all other expences not herein otherwise provided for which shall be necessarily incurred in carrying into effect the provisions of this act; and in case the borough fund shall be more than sufficient for the purposes aforesaid, the surplus thereof shall be applied, under the direction of the council, for the public benefit of the inhabitants and improvement of the borough; provided that it shall not be lawful for the council to be elected under the provisions of this act, in any borough in which the body corporate named in conjunction with the said borough in the said schedules (A.) and (B.), before the time of the passing of this act shall have contracted any lawful debt chargeable on any tolls or dues belonging or payable to the said body corporate, or to any member or officer thereof in his corporate capacity, or towards the satisfaction whereof such tolls or dues or any part thereof were applicable before the passing of this act, to alter or reduce the amount to be levied and payable of such tolls or dues, or to grant for any consideration any remission of or exemption from such tolls or dues or any part thereof, unless with the con-

Application
of surplus.

If the fund be insufficient, the council shall order a rate to make up the deficiency.

sent in writing under the hands of a majority in number and amount of the creditors to whom such debt is due, until after such debt and all arrears of interest due thereon shall have been fully paid and satisfied; *and in case the borough fund shall not be sufficient* (1) for the purposes aforesaid, the council of the borough is hereby authorized and required from time to time to estimate, as correctly as may be, what amount, in addition to such fund, will be sufficient for the payment of the expences to be incurred in carrying into effect the provisions of this act; and in order to raise the amount so estimated the said council is hereby authorized and required from time to time to order a borough rate in the nature of a county rate to be made within their borough, and for that purpose the council of such borough shall have within their borough all the powers which any justices of the peace assembled at their general or quarter sessions in any county in England have within the limits of their commission by virtue of an act made in the fifty-fifth year of his late Majesty King George the

55 G. 3, c. 51. Third, intituled *An Act to amend an Act of his late Majesty King George the Second, for the more easy assessing, collecting, and levying of County Rates*, or as near thereto as the nature of the case will admit, except as is hereinafter-excepted; and all warrants

(1) The council are to estimate what amount will be sufficient, and if they exercise a fair discretion it will not be material that it is a little more or less than the necessary sum: but it is highly important for them to take care that a rate is not made while the borough fund is sufficient for the purposes above mentioned, for if a rate be not necessary it will be illegal.

required by the said act to be issued under the hands and seals of two or more justices shall in like case be signed by the mayor, and sealed with the seal of the borough; provided that such council shall not be empowered to receive, hear, or determine any appeal against any such rate; and if any person shall think himself aggrieved by any such rate it shall be lawful for him to appeal to the recorder herein-after mentioned at the next quarter sessions for the borough in which such rate has been made, or in case there shall be no recorder within such borough, to the justices at the next court of quarter sessions for the county within which such borough is situate or whereunto it is adjacent; and such recorder or justices respectively shall have power to hear and determine the same, and to award relief in the premises as in the case of an appeal against any county rate; and all such sums levied in pursuance of such borough rate shall be paid over to the account of the borough fund, and subject to the provisions hereinbefore contained, shall be applied to all purposes to which before the passing of this act a borough rate or county rate was by law applicable in such borough or county: Provided that in every case in which before the passing of this act any rate might be levied in any borough, or in any parish or place made part of any borough under the provisions of this act, for the purpose of watching solely by day or by night, or for the purpose of watching by day or by night, conjointly with any other purpose, it shall be lawful for the council of such borough to levy a watch rate sufficient to

raise any sum not greater than the average yearly sum which during the last seven years, or where such rate shall not have been levied during seven years then during such less number of years as such rate shall have been levied, shall have been expended in the maintenance and establishment of watchmen, constables, patrole, or policemen within the district in which such rate was levied and for that purpose the council shall have all the powers herein-before given to the council in the matter of the borough rate ; and where any part of any borough shall not at the time of the passing of this act be within the provisions of the act authorizing the levy of such rate for watching as aforesaid it shall be lawful for the council from time to time to order that such part, or so much thereof as to the council shall seem fit, shall be rated to the watch rate in like manner as other parts of the borough to be specified in such order, and such watch rate thereupon shall be levied within the part mentioned in such order in like manner as in the other parts of the borough so specified, and all such sums levied in pursuance of such watch rate shall be paid over to the account of the borough fund : Provided always, that no such order as last aforesaid shall be made for rating to such watch rate any part of any borough in which at the time of passing this act such rate as aforesaid shall not be levied, and which is more than two hundred yards distant from any street or continuous line of houses which shall be regularly watched within the borough under the provisions of this act : Provided also, that nothing

in this act contained shall be construed to render liable to the payment of any debt contracted before the passing of this act by any body corporate any part of the real or personal estate of the said body corporate which before the passing of this act was not liable thereto, or to authorize the levy of any rate within any part of any borough for the purpose of paying any debt contracted before the passing of this act which before the passing of this act could not lawfully be levied therein towards the payment of the same.

XCIII. And be it enacted, That the treasurer of every borough shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid, and of the several matters for which such sums shall have been received and paid; and the books containing the accounts shall at all seasonable times be open to the inspection of any of the aldermen or councillors of such borough; and all the accounts, with all vouchers and papers relating thereto, shall, in the months of March and September in every year, be submitted by the treasurer of the borough to the auditors herein-before provided to be elected, and to such member of the council as the mayor shall name on the first day of March in every year, or in case of extraordinary vacancy within ten days next after such vacancy, for the purpose of being examined and audited, from the first day of September in the year preceding to the first day of March, and from the first day of March to the first day of September in the year in which the

Accounts of receipts and disbursements to be kept, audited, and published.

said auditors were elected and named, and if the said accounts shall be found to be correct, the auditors shall sign the same; and after such accounts shall have been so examined and audited in the month of September in every year, the treasurer shall make out in writing, and shall cause to be printed, a full abstract of his accounts for the year, and a copy thereof shall be open to the inspection of all the rate-payers of such borough, and copies thereof shall be delivered to all rate-payers of such borough applying for the same, on payment of a reasonable price for each copy.

Council not to sell or mortgage the lands, &c. of the corporation, except in pursuance of some contract made on or before the 5th of June, 1835, nor (except as aforesaid and in the cases after mentioned) to lease lands for any term exceeding 31 years, at a reasonable rent and without fine.

XCIV. And be it enacted, That it shall not be lawful for the council of any body corporate to be elected under this act to *sell, mortgage, or alienate* the lands, tenements, or hereditaments of the said body corporate, or any part thereof, except in pursuance of some covenant, contract, or agreement *bond fide* made or entered into on or before the fifth day of June in this present year, by or on behalf of the body corporate of any borough, or of some resolution duly entered in the corporation books of such body corporate on or before the said fifth day of June, or to demise or lease, except in pursuance of some covenant, contract, or agreement *bond fide* made or entered into on or before the said fifth day of June by or on the behalf of such body corporate, or in pursuance of some resolutions duly entered in the corporation books of such body corporate on or before the said fifth day of June, or *except in the cases hereinafter mentioned*, any lands, tenements, or heredi-

taments of such body corporate, or any part thereof, or to enter into any new covenant, contract, or agreement, (except in the cases hereinafter mentioned) for demising or leasing any such lands; tenements, or hereditaments, or any part thereof, for any term exceeding thirty-one years from the time when such lease shall be made, or if made in pursuance of a previous agreement, then from the time when such agreement shall have been entered into; and in every lease which the said council is not hereby restrained from making there shall (except in the cases herein-after mentioned) be reserved and made payable during the whole of the term thereby granted such clear yearly rent as to the council shall appear reasonable, without taking any fine for the same: Provided nevertheless, that in every case in which such council shall deem it expedient to *sell and alienate* or to demise and lease for a longer term than thirty-one years, or upon different terms and conditions than those herein-before mentioned, any of the said lands, tenements, or hereditaments, it shall be lawful for such council to represent the circumstances of the case to the lords commissioners of his Majesty's treasury; and it shall be lawful for such council, with the approbation of the said lords commissioners or any three of them, to sell, alienate, and demise any of the lands, tenements, and hereditaments of the said body corporate in such manner and on such terms and conditions as shall have been approved by the said lords commissioners: Provided always, that notice of the intention of the council to make

But the council may nevertheless sell and demise lands, &c. in such manner and on such terms as shall be approved by the lords of the treasury, on a representation made to them of the circumstances of the case.

such application as aforesaid shall be fixed on the outer door of the town hall, or in some public and conspicuous place within the borough, one calendar month at least before such application; and a copy of the memorial intended to be sent to the said lords commissioners shall be kept in the town clerk's office during such calendar month, and shall be freely open to the inspection of every burgess at all reasonable hours during the same.

The council
authorized
to renew
leases, in
pursuance of
any cove-
nant, deed,
or will, or
custom.

XCV. Provided always, and be it enacted, That in all cases in which any body corporate shall on the fifth day of June in this present year have been bound or engaged by any covenant or agreement, express or implied, or have been enjoined by any deed, will, or other document, or have been sanctioned or warranted by *ancient usage or by custom or practice*, (1) to make any renewal of any lease for years, or for life or lives, or for years determinable with any life or lives at any fixed or determinate or known or accustomed period, or after the lapse of any number of years, or on the dropping of any life or lives, and years determinable after the lapse of any number of years, at a fine certain, or under any special or specific terms or conditions, and also in all cases in which any body corporate shall theretofore have ordi-

(1) This particularly applies to leases for twenty-one or some other term of years which have been accustomed at a stated period of years to be renewed on payment of a certain or reasonable fine, but without any covenant of renewal, in which cases there is an *understood* rather than an actual right of renewal.

narilly made renewal of any lease for years, or for life or lives, or for years determinable with any life or lives at any fixed or determinate or known or accustomed period, or after the lapse of any number of years, or upon the dropping of any life or lives, upon the payment of an arbitrary fine, it shall be lawful for the council of such borough to renew such lease for such term or number of years, either absolutely or determinable with any life or lives or for such life or lives, and at such rent, and upon the payment of such fine or premium, either certain or arbitrary, and with or without any covenant for the future renewal thereof, as such body corporate could or might have done in case this act had not been passed.

XCVI. Provided nevertheless, and be it enacted, That in any of the instances herein-after mentioned it shall be lawful for the council from time to time to demise and lease, or to enter into any contract or agreement for demising and leasing, any of the said lands, tenements, or hereditaments, to any person, body politic, corporate, or collegiate, for any term not exceeding seventy-five years from the time of making such lease or agreement; (that is to say,) of tenements or hereditaments the greater part of the yearly value of which shall at the time of making the lease or agreement consist of any building or buildings, of land or ground proper for the erection of any houses or other buildings thereupon, with or without gardens, yards, curtilages, or other appurtenances to be used therewith, and, where the

Leases of tenements, the greater part of the yearly value of which shall consist of buildings, and of ground for building on, or for making gardens, &c. may be made for seventy-five years.

lessee or intended lessee shall covenant or agree to erect a building or buildings thereon of greater yearly value than such land or ground, of land or ground proper for gardens, yards, curtilages, or other appurtenances to be used with any other house or other building erected or to be erected on any such ground, belonging either to such body corporate or to any other proprietor, or proper for any other purpose calculated to afford convenience or accommodation to the occupiers of any such house or building.

The council first to be elected, may call in question all purchases, sales, and demises of corporate property not made in pursuance of some contract entered into before the 5th of June last; and all contracts for sale, &c. of lands, and appropriation of monies of which they were seised or possessed before the said 5th of June.

XCVII. And be it enacted, That it shall be lawful for the council first to be elected in any borough under the provisions of this act to call in question all purchases, sales, leases, and demises not made in pursuance of some such *bond fide* covenant, contract, agreement, or resolution made or entered into as aforesaid before the said fifth day of June, and all contracts for the purchase, sale, lease, or demise of any lands, tenements, or hereditaments, and all divisions and appropriations of the monies, goods, and valuable securities, or any part of the real or personal estate, of which on or before the fifth day of June in this present year the body corporate of which they are the council, whether in their own right or as trustees for charitable or other purposes, was seised or possessed, which shall have been made or contracted between the said fifth day of June and the day of the declaration of their election; and for that purpose, if it shall appear to the said council that there is ground for believing that any such

purchase, sale, lease, or demise, or such contract, or such division or appropriation of the premises, was collusively made for no consideration, or for an inadequate consideration, it shall be lawful for the council of such borough, at any time within six calendar months next after the first election of councillors under this act shall have been declared in such borough, upon notice of their intention being first given in the *London Gazette*, and also affixed on the outer door of the town hall or in some public place within the borough, to cause the value of the lands, tenements, hereditaments, and premises in question to be inquired of and found by a jury of twelve indifferent men of the county in which, or adjoining to which in the case of Berwick-upon-Tweed, and of all counties of cities and towns corporate, such lands tenements, hereditaments, or premises do lie; and in order thereto the said council is empowered to summon and call before such jury all persons having the custody and possession of any deed or agreement concerning the said lands, tenements, hereditaments, and premises made or entered into since the said fifth day of June, and to cause all such deeds and agreements to be produced before the said jury, and examined by them, and to examine upon oath every person who shall be thought necessary to be examined (which oath the mayor is hereby empowered to administer); and the council shall, by ordering a view or otherwise, use all lawful means for the information as well of themselves as of the said jury in the premises; and the jury shall find the value of the said lands,

If there is ground for believing that sale, &c. was collusive, the value to be inquired of by a jury to be summoned.

tenements, hereditaments, and premises, and the consideration which shall have been given, and also that which ought of right to have been given, for the purchase, sale, lease, demise, or appropriation thereof, according to the terms of such purchase, sale, lease, demise, contract, or appropriation, and taking into account all the circumstances under which the same shall have taken place; and if the jury by their oaths shall find that no consideration, or a consideration less than that which they shall have so found to be the value which ought therefore to have been given, shall have been collusively given or contracted to be given by the terms of any such purchase, sale, lease, demise, contract, or appropriation, the party to such purchase, sale, lease, demise, contract, or appropriation shall have his option either to re-convey and restore the lands, tenements, hereditaments, and premises in question, and to abandon the contract to which he shall have been party, upon receipt in each case of the consideration, if any, which he shall have given for the same, or to give therefore in each case such additional consideration so that the whole consideration given shall be that which ought of right to have been given, so found by the jury as aforesaid; and in every such case as last aforesaid the additional consideration given or to be given shall be endorsed on the original deed or conveyance; and unless he shall so do within one calendar month next after the finding of the jury every such purchase, sale, lease, demise, contract, and conveyance shall be absolutely void and of none effect as against the said body

If it be found that there is none, or an inadequate consideration, party to have option to abandon the contract, or to give the additional consideration found by the jury.

corporate and their successors ; and in every case in which any such contract shall have been abandoned as aforesaid, or in which any such purchase, sale, lease, demise, contract, or conveyance shall become void and of none effect, under the provisions of this act, the party who would otherwise have had the benefit of the same shall be remitted to his former estate, title, and interest (if any) in the premises as if no such contract, purchase, sale, lease, or demise had been made or entered into ; and for summoning and returning such juries, and for imposing fines on the sheriff, his deputy, bailiff or agent, and on the persons summoned and returned on the said jury, and on any person required to give evidence, who shall in this behalf contravene the provisions of this act, the council of every such borough shall have all the powers given in that behalf to the trustees or commissioners of any turnpike road by an act made in the third year of his late Majesty George the Third, intituled *An act to amend the General Laws now in being for regulating Turnpike Roads in that part of Great Britain called England* ; and all the costs of the said jury, and of all witnesses tendered by the said council to be examined before the said jury, shall in every case be borne by the council, and paid out of the borough fund : Provided nevertheless, that it shall be lawful for his Majesty, if he shall think fit, by the advice of his privy council, upon petition to him setting forth the special circumstances under which any purchase, sale, lease, demise, contract, or appropriation of any of the said lands, tenements, hereditaments, and premises

Council to have all the powers given by the 3 G. 4, c. 126.

Power for his majesty, upon petition, to order that the purchase, sale, &c. shall not be called in question.

shall have been made since the said fifth day of June, to order that the same shall not be called in question under the provisions of this act; and in such case as last aforesaid the same shall not be called in question or set aside or affected under the provisions of this act: Provided always, that in every case in which such petition shall have been presented it shall be lawful for his Majesty, if he shall think fit, to enlarge the time within which (in case his Majesty shall not think fit to make such order as aforesaid) the council may have power as aforesaid to call in question any purchase, sale, lease, demise, contract, or appropriation referred to in such petition.

His Majesty's commission may be issued for certain persons to act as justices in boroughs having a separate commission of the peace.

XCVIII. And be it enacted, That it shall be lawful for his Majesty from time to time to assign to so many persons as he shall think proper his Majesty's commission to act as justices of the peace in and for each borough, and in and for each of the counties of cities and towns respectively named in the said schedule (A.), and in and for such of the boroughs in the said schedule (B.) to which his Majesty may be pleased upon the petition of the council thereof to grant a commission of the peace: Provided nevertheless, that every person so to be assigned shall reside within the borough for which he shall be so assigned, or within seven miles of such borough, or of some part thereof, during such time as he shall act as a justice of the peace in and for such borough.

Councils may make

XCIX. And be it enacted, That if the council

of any borough shall think it requisite that a bye laws, on which the crown may appoint salaried justices. salaried police magistrate or magistrates be appointed within such borough, such council is hereby empowered to make a bye law fixing the amount of the salary which he or they are to receive in that behalf; and such bye law so made by any council as aforesaid shall be transmitted to one of his Majesty's principal secretaries of state, and it shall be lawful thereupon for his Majesty, if he shall think fit, to appoint one or more fit persons, according to the number fixed in the said bye law (being barristers at law of not less than five years standing), to be during his Majesty's pleasure police magistrate or magistrates and a justice or justices of the peace for such borough, and to direct that such sum shall be paid quarterly out of the borough fund of such borough as will be sufficient to pay such yearly salary to each of the justices so assigned as last aforesaid, not exceeding in the whole the salary mentioned in the prayer of such petition, clear of all fees or deductions, as to his Majesty shall seem fit; and the treasurer of such borough shall thereupon pay to each justice so assigned as last aforesaid, out of the borough fund of such borough, the salary so directed to be paid, by four equal quarterly payments, and in the same proportion up to the time of the death of such justice or his ceasing to act under such assignment as aforesaid; provided that in every case of vacancy of the office of police magistrate in any borough aforesaid no new appointment of police magistrate in such borough shall be made until the council shall again make

application to one of his Majesty's principal secretaries of state in that behalf, and as in the case of the first appointment of a police magistrate in such borough.

Council of boroughs having separate commission of the peace, to provide a police office.

C. And be it enacted, That the council of every borough to which a separate commission of the peace shall be granted under the provisions of this act shall be authorized and required to provide and furnish one or more fit and suitable office or offices, to be called "The Police Office" or "Offices" of the borough, for the purpose of transacting the business of the justices of such borough, and to pay from time to time out of the borough fund such sums as may be necessary for providing, upholding, and furnishing, and for the necessary expences of such police office or offices; provided that no room in any house licensed as a victualling house or alehouse shall be used for the purposes of any such police office.

Justices need not be qualified by estate.

CI. And be it further enacted, That every person assigned to keep the peace within any borough under the provisions of this act, or any of them, shall, during the continuance of such assignment, execute the duties of a justice of the peace in and for the borough for which he shall have been so assigned, although he may not have such qualification by estate as is required by law in the case of other persons being justices of the peace for a county, provided that such person be not disqualified by law to act as a justice of the peace for any other cause or upon any other account than

in respect of estate, and although such person may not be a burgess of the borough in and for which he shall have been assigned to act as a justice of peace; and that every summons for the appearance of any person, or warrant to compel such appearance, or warrant for the apprehension of any person charged with any offence, or search warrant, issued by any justice of the peace acting in and for any borough in any matter within his jurisdiction, may be respectively served and executed within any county in which the said borough shall be situated, or within any distance not exceeding seven miles from such borough, and within such limits as aforesaid shall have the same force and effect as if the same had been originally issued or subsequently indorsed by a justice of the peace having jurisdiction in the place where the same shall be served or executed, any law, statute, charter, or usage to the contrary notwithstanding; and every such summons and warrant shall and may be lawfully served or executed within such limits as aforesaid by the constable or special constable to whom the same shall be directed: Provided nevertheless, that no such person, by virtue of such assignment, shall act as a justice of the peace at any court of gaol delivery or general or quarter sessions, or in making or levying any county rate, or rate in the nature of a county rate.

Such justices not to sit in courts of gaol delivery, &c.

CII. And be it enacted, That it shall be lawful for the justices of every borough to which a separate commission of the peace shall be granted as aforesaid, at their first or any other meeting, and

Justices to appoint a clerk who shall not be clerk of the peace, or an alderman or councillor,

nor be concerned in the prosecution of offenders committed by the borough justices.

they are hereby respectively required, to appoint a fit person to be the *clerk* to the justices of such borough, to be removable at their pleasure, and so as often as there shall be a vacancy in the said office of clerk to the justices by death, resignation, removal, or otherwise; provided that it shall not be lawful for the said justices to appoint or continue as such clerk to the justices any alderman or councillor of such borough, or *clerk of the peace of such borough*, (1) or the partner of such clerk of the peace, or any clerk or person in the employ of such clerk of the peace: Provided also, that it shall not be lawful for the said clerk to the justices, by himself or his partner, to be directly or indirectly interested or employed in the prosecution of any offender committed for trial by the justices of whom he shall be such clerk as aforesaid, or any of them, at any court of gaol delivery or general or quarter sessions; and any person being an alderman or councillor, or clerk of the peace of any borough, or the partner or clerk or in the employ of such clerk of the peace, who shall act as clerk to the justices of such borough, or shall otherwise offend in the premises, shall for every such offence forfeit and pay the sum of one hundred pounds, one moiety thereof to the treasurer of such borough, to be paid over to the credit and

(1) It may be very proper that persons should be prevented from filling more than one office in large boroughs where an adequate remuneration may be afforded for each office; but in small boroughs it would be convenient that persons should be remunerated by holding a plurality of offices if not inconsistent.

account of the borough fund of such borough, and the other moiety thereof, with full costs of suit, to any person who will sue for the same in any of his Majesty's courts of record at Westminster.

CIII. And be it enacted, That the council of every borough which shall be desirous that a separate court of quarter sessions of the peace shall be or continue to be holden in and for such borough shall signify the same by petition to his Majesty in council, setting forth the grounds of the application, the state of the gaol, and the salary which they are willing to pay to the recorder in that behalf; and it shall be lawful for his Majesty, if he shall be pleased thereupon to grant that a separate court of quarter sessions of the peace shall be thenceforward holden in and for such borough, to appoint for such borough, or for any two or more of such boroughs conjointly, a fit person, being a barrister at law of not less than five years standing, who shall be and be called the recorder of such borough or boroughs, and shall hold such office during his good behaviour, and upon any vacancy in any such office to appoint another fit person, being a barrister at law of not less than five years standing, to be the recorder in the place of the person so making such vacancy: and the council of every such borough shall appoint a fit person to be clerk of the peace during his good behaviour: and the recorder for the time being of any borough shall be a justice of the peace of and for such borough, although he may not have such qualification by estate as is 2r

His majesty may grant a separate court of quarter sessions, and appoint a recorder in boroughs, on petition of the council, setting forth the grounds of the application, the state of the gaol, and the salary they are willing to pay the recorder.

Recorder to be a justice of the peace for the borough;

but not a
member of
parliament
for the bo-
rough, al-
derman,
councillor,
or police
magistrate.

2 W. 4, c. 45.

quired by law in the case of any other person being a justice of the peace for a county; and such recorder shall have precedence in all places within the borough of which he may be the recorder next after the mayor thereof; and in such case it shall be lawful for his Majesty to direct that an annual salary, not exceeding the sum stated in the petition of the council, shall be paid to such recorder, by the treasurer of such borough out of the borough fund: Provided always, that no person being such recorder as aforesaid shall be eligible to serve in parliament for such borough, nor shall he be an alderman, councillor, or police magistrate of such borough: (1) Provided nevertheless, that nothing in this act contained shall be construed to disqualify any such recorder from being appointed a barrister to revise any list of voters under the provisions of an act passed in the second year of his Majesty, intituled *An Act to amend the Representation of the People in England and Wales*, or from being eligible to serve in parliament, otherwise than is herein-before provided: Provided also, that in every borough in and for which a separate court of general or quarter sessions of the peace is now holden, and of which the present recorder or deputy recorder is a barrister of five years' standing, such recorder or deputy recorder, being qualified as aforesaid, shall be continued or appointed recorder under the provision of this

(1) The object in providing that the recorder shall not be police magistrate of the borough seems to be to prevent accused persons from being tried by a person who has heard the previous charge against them.

act: Provided also, that in the case of sickness or unavoidable absence, the recorder of any borough shall be empowered, under his hand and seal, with the consent of the council of such borough, to appoint a deputy recorder, being a barrister of five years' standing, to act for him at the quarter sessions of the peace then next ensuing, and *no longer* or otherwise.

CIV. Provided nevertheless, and be it enacted, Recorder and justices to make declaration before acting. That no recorder or person assigned to keep the peace within any such borough shall be capable of acting as recorder or justice of the peace within such borough until he shall have taken the oaths provided to be taken by justices of the peace, except the oath as to qualification by estate, and until he shall have made before the mayor or before any two or more of the aldermen or councillors of such borough (who is and are hereby authorized and required to administer the same) a declaration in the following form; (that is to say,)

'I *A. B.* do hereby declare, that I will faithfully and impartially execute the office of recorder [or justice of the peace] for the borough of _____ according to the best of my judgment and ability.'

CV. And be it enacted, that the recorder of *every borough* shall hold once in every quarter of a year, or at such other and more frequent times as the said recorder in his discretion may think fit, or as his Majesty shall think fit to direct, a Sessions of the peace to be held for the borough, of which the recorder to be the sole Judge. court of quarter sessions of the peace in and for

Recorder
not to make
or levy
county rate,
&c.

such borough, of which court the recorder of such borough shall sit as the sole judge; and such court of quarter sessions of the peace shall be a court of record, and shall have cognizance of all crimes, offences, and matters whatsoever cognizable by any court of quarter sessions of the peace for counties in England, and the said recorder shall have power to do all things necessary for exercising such jurisdiction, notwithstanding his being such sole judge, as fully as any such last-mentioned court: Provided nevertheless, that no recorder, by virtue of his office, shall have power to make or levy any county rate, or rate in the nature of a county rate, or to grant any licence or authority to any person to keep an inn, ale-house, or victualling house, to sell exciseable liquors by retail, or to exercise any of the powers herein specially vested in the council of such borough.

Mayor, in
the absence
of the re-
corder and
deputy re-
corder, may
open and ad-
journ the
court.

CVI. And be it enacted, That in the absence of the recorder and deputy recorder the mayor shall be authorized and required, at the proper times appointed for the holding of such court of quarter sessions of the peace in and for such borough, to open the said court, and to adjourn over the holding of the same, and to respite all recognizances conditioned for appearing at the same, until such further day as such mayor then and there, and so from time to time, shall cause to be proclaimed: Provided nevertheless, that nothing in this act contained shall authorize or require any such mayor to sit as a judge of the said court for

the trial of offenders, or to do any other act in the character of a judge of such court, save only in opening and adjourning the same, and respiting the said recognizances in manner aforesaid.

CVII. And be it enacted, That after the first day of May one thousand eight hundred and thirty-six all powers and jurisdictions to try treasons, capital felonies, and all other criminal jurisdictions whatsoever granted or confirmed by any law, statute, letters patent, grant, or charter whatsoever, to any mayor, bailiff, alderman, recorder, or other corporate or chartered officer, or corporate or chartered justice of the peace whomsoever, in any borough, and all right of any body corporate in any borough, or any of the members thereof, by virtue of any law, statute, letters patent, grant, or charter whatsoever, to elect or nominate any justices to keep the peace in or for any borough, or by any members of any such corporate body to act as such justices of the peace in or for any of the last-named boroughs other than is herein declared, shall cease: Provided nevertheless, that nothing in this act contained shall be construed to restrain or prevent the holding of any court of gaol delivery or general or quarter sessions of the peace in and for any borough for which such court may now be holden, until the said first day of May, but every such court may be holden in like manner, and with the same powers, until the said first day of May, as if this act had not been passed.

Capital jurisdictions, and all other criminal jurisdictions in boroughs, other than are specified in this act, abolished.

Chartered
admiralty
jurisdictions
abolished.

CVIII. And be it enacted, That from and after the passing of this act so much of all laws, statutes, and usages, and so much of all royal and other charters, grants, and letters patent heretofore granted to any borough or body corporate, whereby such borough, or any place within the precincts or liberties of the same, or such body corporate, or the freemen or inhabitants of the same, claims or claim to be exempted and released from the jurisdiction and office of the lord high admiral of England, or of the high court of the admiralty of England, or whereby any body corporate, or any mayor, bailiff, recorder, steward, or other chartered or corporate officer of any borough has or claims any thing belonging to the office of admiral, whether or not to be exercised by virtue of any commission to them or any of them to be directed, shall be and the same is hereby repealed: Provided nevertheless, that nothing in this act contained shall extend to alter or affect the jurisdiction and office of the lord warden in his office of admiral of the Cinque Ports: Provided also, that all suits and matters wherein before the passing of this act the rights of any salvors, or any droits or perquisites to the office of admiral belonging, were drawn into question, may be continued, heard, determined, and adjudicated upon in like manner as if this act had not passed.

Certain ex-
ceptions in
38 G. 3. c. 52.
repealed.

CIX. And whereas an act was passed in the thirty-eighth year of his late Majesty George the Third, intituled *An Act to regulate the Trial of*

Causes, Indictments, and other Proceedings which arise within the Counties of certain Cities and Towns Corporate within this Kingdom, but certain cities and counties of cities were excepted out of the operation of the same : And whereas it is expedient to repeal in part the said exceptions : be it therefore enacted, That so much of the last-recited act as provides that nothing therein contained shall extend or be construed to extend to the city or county of the city of Bristol, or the city or county of the city of Chester, or to the criminal jurisdiction of the city of Exeter and county of the same city, shall be and the same is hereby repealed ; and that the town of Berwick-upon-Tweed shall be taken to be a county of a town corporate, and to be within all the provisions of the last-recited act ; and that after the first day of May in the year one thousand eight hundred and thirty-six, and until his Majesty shall be pleased to direct a commission of oyer and terminer and gaol delivery to be executed within any county of a city or town corporate, all bills of indictment for offences committed within such county of a city or town corporate shall be preferred and all proceedings upon such indictments shall be had as in the last-recited act is authorized to be done, and the counties of the cities and towns corporate named in the first column of the schedule (C.) to this act annexed shall be considered as next adjoining to the county named in conjunction with the same respectively in the second column of the said schedule (C.)

Berwick-upon-Tweed to be a county of a town.

As to trial of offences committed in counties of cities and towns corporate.

Offenders committed to borough sessions whose jurisdiction is taken away to be tried in the adjoining county.

CX. And be it enacted, That after the said first day of May one thousand eight hundred and thirty-six every person who shall then stand committed to take his trial at any court of gaol delivery, general or quarter sessions of the peace for any borough, charged with any offence which the recorder of such borough after the said first day of May will not have jurisdiction to try, may be lawfully removed and committed to the gaol or house of correction of the county in which or adjoining to which such borough is situated, there to remain and take his trial at the next court of quarter sessions for such county, if the offence is cognizable by a court of quarter sessions, and if not, then before the judges of oyer and terminer and gaol delivery at their next circuit; and all persons bound by recognizance to prosecute and give evidence against such offenders shall be bound to appear to prosecute and give their evidence at the court at which such offender shall be tried as aforesaid; and all such recognizances and all depositions relating to such charges shall be transmitted to the proper officer of the court where such offenders shall be tried; and the sheriff, under sheriff, gaolers, and other officers of the county in which such offenders shall be so tried are hereby authorized and required in every such case to receive every prisoner so committed to their custody, and him safely to keep until delivered by due course of law; and the judges of assize and others named in his Majesty's commissions of oyer and terminer and gaol delivery, or

the justices for the county, as the case may be, in which such offenders shall be tried, are hereby authorized and required to hear and determine all such cases, and to order the payment of the usual and fit expences of the prosecutors and witnesses, and all other costs and expences which in like case may be directed to be paid by order of the court.

CXI. And be it enacted, That after the said first day of May one thousand eight hundred and thirty-six the justices assigned or hereafter to be assigned to keep the peace in and for the county in which any borough is situated, to which his Majesty shall not have granted that a separate court of quarter sessions of the peace shall be holden in and for the same, shall exercise the jurisdiction of justices of the peace in and for such borough as fully as by law they and each of them can or ought to do in and for the said county; and no part of any borough in and for which a separate court of quarter sessions of the peace shall be holden shall be within the jurisdiction of the justices of any county from which such borough before the passing of this act was exempt, any law, statute, letters patent, charter, grant, or custom to the contrary notwithstanding.

County justices to have jurisdiction in all boroughs which have not a separate court of quarter sessions of the peace under this act.

CXII. And be it enacted, That within ten days after the grant of a separate court of quarter sessions of the peace to any borough the council of such borough shall send a copy of such grant, sealed with the seal of the borough, to the clerk

Certain boroughs not to be assessed to county rates.

of the peace of the county in which such borough or any part thereof is situated; and after the grant of such court to any borough it shall not be lawful for the justices of the peace of any county wherein such borough or part of such borough is situate to assess any messuages, lands, tenements, or hereditaments within such borough to any county rate thereafter to be made, but every part of every such borough shall thenceforward be wholly free and discharged from contributing, otherwise than is herein-after provided, to any rate or assessment of any kind of and for the county in which any part of such borough is situated: Provided nevertheless, that all arrears of such rates theretofore made may be levied and collected as if this act had not been passed.

The expences of prosecutions for felonies, directed to be paid by 7 G. 4, c. 64, to be paid out of the borough fund, of boroughs having a separate commission of the peace.

CXIII. And whereas by an act made in the seventh year of his late Majesty George the Fourth, intituled *An Act for improving the Administration of Criminal Justice in England and Wales*, it was enacted that all sums directed to be paid by virtue of that act in respect of felonies and misdemeanors therein enumerated, committed in liberties, franchises, cities, towns, and places which do not contribute to the payment of any county rate, should be paid as therein is directed; be it therefore enacted, That all sums directed to be paid by virtue of the last-recited act in respect of felonies and such misdemeanors as aforesaid, committed or supposed to have been committed in any borough in which a separate court of quarter sessions of the peace shall be holden shall be paid out of the

borough fund of such borough, any thing in the said act contained notwithstanding ; and the order of court shall in every such case be directed to the treasurer of such borough instead of the treasurer of the county.

CXIV. And be it enacted, That the treasurer of every county in England and Wales shall keep an account of all costs arising out of the prosecution, maintenance, and punishment, conveyance and transport of all offenders committed for trial to the assizes in such county from any borough in which a separate court of quarter sessions of the peace shall be holden ; and the treasurer of every such county shall, not more than twice in every year, send a copy of the said account to the council of each of the said boroughs, and shall make an order for payment of the same on the council of such borough ; and the council of every such borough shall forthwith order the same, with all reasonable charges of making and sending such account, to be paid to the treasurer of such county out of the borough fund ; and in case any difference shall arise concerning the said account, it shall be decided by the arbitration of a barrister to be named as is provided in the case of differences with respect to the payment of monies under contracts made by authority of an act made in the fifth year of his late Majesty King George the Fourth, intituled *An Act for amending an Act of the last Session of Parliament, relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information*

Treasurers of counties to keep an account of expences of prosecution of offenders sent by such boroughs for trial at the assizes, and make order on them for payment thereof. In case of difference respecting such account the same to be referred to arbitration, as provided in 5 G. 4, c. 85.

as to the State of all other Gaols and Houses of Correction in England and Wales : Provided that nothing herein contained shall be construed to alter or restrain the powers given by the last-mentioned act of contracting with the justices of the peace having authority or jurisdiction in and over any gaol or house of correction of the county wherein or where such borough is situated, or whereto it is adjacent, for the conveyance, support, and maintenance in such last-mentioned gaol or house of correction of prisoners committed thereto from such borough, save only that all such powers shall after the first day of May one thousand eight hundred and thirty-six be vested in the council of such borough in the name of the body corporate whose council they are, and in none other ; and for the purpose of making such contracts as aforesaid the council of such borough, and none other, shall have power to make the orders required by the said last-mentioned act to be made by the justices of the borough at the borough sessions.

Council may contract for committing prisoners to the gaol of another borough, if sufficient.

CXV. And be it enacted, that in every case in which it shall have been made to appear to the satisfaction of one of his Majesty's principal secretaries of state that there is in any borough a gaol or house of correction fit for the confinement of prisoners, the council of any borough shall have the same powers of contracting, in the name of the body corporate whose council they are, with any person or body corporate having the government or ordering of such last-mentioned gaol or house of correction, in like manner as is herein-before

enacted concerning contracts with justices of the peace having authority or jurisdiction in and over county gaols and houses of correction; and all the provisions of the last-recited act made in the fifth year of his late Majesty shall extend, or as nearly as may be, to all such contracts for the conveyance to and support and maintenance of offenders in such borough, gaol, or house of correction; and in case his Majesty shall have granted to the borough in which such gaol or house of correction shall be situated a separate court of quarter sessions of the peace, such offenders may be tried and sentenced by such court for all offences of which the court has cognizance, and punished accordingly; and all the provisions of the last-recited act made in the fifth year of his late Majesty shall extend as nearly as may be to the trial and punishment of such offenders, and to all acts necessary for such trial or consequent thereon.

CXVI. And whereas by an act passed in the fourth year of his late Majesty George the Fourth, intituled *An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales*, it was provided, that certain cities, towns, and places included in a certain schedule (A.) to the said act annexed should be taken to be within the provisions of the same: And whereas by an act passed in the fifth year of his late Majesty George the Fourth, intituled *An Act for amending an Act of the last Session of Par-*

Council of certain boroughs to have the same powers under the acts 4 G. 4, c. 64, and 5 Geo. 4, c. 85. as the justices of the peace have at their sessions in counties.

liament, relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction in England and Wales, so much of the last-recited act as related to the cities of Canterbury, Lichfield, and Lincoln was repealed; be it therefore enacted, That the council of every borough named in the last-mentioned schedule (A.) (except the cities of Canterbury, Lichfield, and Lincoln) shall have within their borough all the powers (except in hearing and determining appeals against convictions) which any justices of the peace assembled at their general or quarter sessions in any county in England have within the limits of their commission by virtue of the said last-recited acts or either of them, or as near thereto as the nature of the case will admit; and all things in the said last-recited acts or either of them provided to be done at any general or quarter sessions of the peace shall be done at some quarterly meeting of the council of such borough.

Boroughs to pay a proportion of the other county expenditure.

CXVII. And be it enacted, That the treasurer of every county in England and Wales shall keep an account of all sums of money received in aid or on account of the county rate, and of the sum of money expended out of the county rate for other purposes than the costs arising out of the prosecution, maintenance, and punishment, conveyance and transport of offenders committed for trial in such county, and in the case of boroughs having a separate court of quarter sessions of the

peace other than out of coroners' inquests, and shall, not more than twice in every year, send a copy of the said account to the council of every borough situate within such county in which a separate court of quarter sessions of the peace shall be holden, and which before the passing of the said act, intituled *An Act to settle and describe* ^{2 & 3 W. 4, c. 64.} *the Divisions of Counties and the Limits of Cities and Boroughs in England and Wales, so far as respects the Election of Members to serve in Parliament*, was chargeable with or liable to contribute in whole or in part to the county rate of such county, and shall make an order on the council of every such borough for the payment of such proportion of such sum as would have been chargeable, after deducting all sums of money received in aid of the county rate as aforesaid, if this act had not passed, upon such borough as the same shall be bounded according to the provisions of this act; and the council of such borough shall forthwith order the same, with all reasonable charges of making and sending the said account, to be paid to the treasurer of such county out of the borough fund; provided that in case any difference shall arise concerning the last-mentioned account it shall be decided by the arbitration of a barrister to be named as is provided in the case of differences with respect to the payment of monies under contracts made by authority of the said act made in the fifth year of his late Majesty King George the Fourth, intituled *An Act for amending* ^{5 G. 4, c. 85.} *an Act of the last Session of Parliament, relating to the building, repairing, and enlarging of certain*

Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction in England and Wales.

Borough courts of record to be holden as heretofore, but in certain cases with extended jurisdiction.

CXVIII. And be it enacted, That in every borough in which by charter or custom there is or ought to be holden a court of record for the trial of civil actions not regulated by the provisions of any local act of parliament, or in which, at the time of the passing of this act, a barrister of five years' standing shall not *act as* judge or assessor, the recorder, or in the absence of the recorder, or in case there shall not be a *recorder*, such officer of the borough as by the charter constituting such court or by custom shall be the judge of such court, shall continue to be and act as such judge; and the council of such borough in every case, whether such court be regulated by the provisions of a local act of parliament or otherwise, shall have power for that purpose to appoint the necessary officer, other than the recorder, before whom such court is to be holden; and every such judge or assessor, other than the mayor, shall hold his office during his good behaviour; and the judge of every such court shall hold the said court at such times and places, and with such rules of practice, and with the same powers and jurisdiction as belonged to the said court at the time of passing this act: Provided always, that in every case in which such court had not before the passing of this act authority to try such actions as are herein-after next mentioned any such court in which a barrister of five years standing shall act as judge,

or assessor shall have authority to try actions of assumpsit, covenant, and debt, whether the debt be by specialty or on simple contract, and all actions of trespass or trover for taking goods and chattels, provided the sum or damages sought to be recovered shall not exceed twenty pounds, and all actions of ejectment between landlord and tenant wherein the annual rent of the premises of which possession is sought to be recovered shall not exceed twenty pounds, and upon which no fine shall have been reserved or made payable: Provided also, that every such judge respectively from time to time may make rules for regulating the practice of such court over which he presides, but so that no such rules shall be of force until they shall have been allowed and confirmed by three or more judges of the superior courts of common law at Westminster: Provided also, that the jurisdiction of every court of record for the trial of civil actions within any borough shall be extended so far as the metes and bounds of every such borough as the same shall be and be declared under the provisions of this act: Provided also, that no action ~~shall~~ ^{Provisi} be tried by any such judge, wherein the title to land, whether freehold, copyhold, or leasehold, or other tenure whatsoever, or to any tithe, toll, market, fair, or other franchise shall be in question, in any court which before the passing of this act had not authority to try actions in which such titles as last aforesaid were in question; and in case it shall appear in the course of any action in such court as last aforesaid, or shall be made to

appear upon oath to such court as last aforesaid, that any such title as last aforesaid is in question in such action, that then the jurisdiction of such court as last aforesaid in the matter of such action shall cease, and it shall be in the discretion of the court to award costs against the party commencing the same.

Council to appoint registrar and other necessary officers of the court.

CXIX. And be it enacted, That the council of every borough in which there shall be holden a court of record for the trial of civil actions as aforesaid shall appoint a registrar of such court, except in boroughs where the town clerk acts as such registrar, and such other officers and servants as are necessary for carrying on the business and executing the process of such court; provided that no registrar or other officer of such court shall, by himself or any partner, or by his or their clerks, practise as an attorney in such court, nor shall any such partner or clerk act as agent for any other attorney in such court: Provided also, that, unless disqualified as herein provided, every attorney of his Majesty's superior courts at Westminster shall have full liberty to practise as an attorney in every such court.

Existing suits not to abate by reason of the change of jurisdiction.

CXX. And be it enacted, That no suit commenced in any court of record in any borough before the first day of May one thousand eight hundred and thirty-six shall abate by reason of any change that shall have been made in the constitution of such court by the provisions of this act, but that the same may continue and be heard and

determined as if it had been commenced before such judge.

CXXI. And be it enacted, That every person, ^{Who to be jurors.} being a burgess of any borough wherein there shall be a separate court of sessions of the peace, or a court of record for the trial of civil actions; (unless he shall be exempt or disqualified otherwise than in respect of property from serving on juries by virtue of an act passed in the sixth year of the reign of King George the Fourth, intituled *An Act for consolidating and amending the Laws* ^{6 G. 4, c. 50.} *relative to Jurors and Juries*;) shall be qualified and liable to serve on grand juries in such borough, and also upon juries for the trial of all issues joined in any court of quarter sessions of the peace, and in any court of record for the trial of civil actions triable within the borough of which such person shall be a burgess; and the clerk of the peace of every such borough shall give public ^{Summoning of jurors, &c.} notice of the time and place of holding every such quarter sessions of the peace, ten days at the least before the holding thereof, and shall, seven days at the least before the holding thereof, cause to be summoned a sufficient number of persons, being qualified and liable as aforesaid, to serve as grand jurors at such sessions; and the clerk of the peace and registrar of the court of record respectively shall also cause to be summoned not less than thirty-six nor more than sixty persons so qualified and liable as aforesaid to serve as jurors at every such sessions, and at the holding of every such court of record for the trial of causes, in case there

Fine on jurors for non-attendance.

shall be any cause then to be tried ; and such summons shall be made by showing to the person to be summoned, or in case he shall be absent from the usual place of his abode by leaving with some person therein inhabiting, notice under the hand of such clerk of the peace or registrar respectively containing the substance of such summons ; and such clerk of the peace shall make out a list of the names of such persons so summoned as grand jurors, and the clerk of the peace and registrar respectively shall also make out a panel of such persons so summoned other than grand jurors, and such list and panel shall respectively contain therein the Christian names and surnames, places of abode, and descriptions of the several persons therein named ; and if any person, having been duly summoned to attend on any jury, shall not attend in pursuance of such summons, or, being thrice called, shall not answer to his name, or after his appearance wilfully withdraw himself from the presence of the court, the court shall impose such fine upon every person so making default (unless some reasonable excuse shall be proved to the satisfaction of the court) as the court shall think meet ; and if any person on whom such fine shall be imposed shall refuse to pay the same to the person who shall be authorized by the court to receive the same, it shall be lawful for the court, then or at its next sitting, by order of the court, signed by the clerk of the peace or registrar respectively, to cause to be levied, by distress and sale of the goods of the person on whom such fine shall have been im-

posed, every such fine, and the reasonable charges of such distress and sale ; and every fine so received shall be paid to the treasurer of the borough, to be by him carried to the account of the borough fund herein-before mentioned : Provided nevertheless, that no person shall be summoned to serve as a juror at such sessions or court of record oftener than once in one year.

CXXII. And be it enacted, That after the passing of this act every member of the council for the time being of every borough, and every justice assigned to keep the peace therein, and the treasurer and town clerk for the time being of every such borough, shall be exempt and disqualified from serving on any jury summoned within such borough respectively, and exempt from serving on any jury summoned to serve in the county wherein such borough is situate ; and all burgesses of every borough in and for which a separate court of quarter sessions of the peace shall be holden shall be exempt from serving on any jury summoned for the trial of issues joined in any court of general or quarter sessions of the peace in the county wherein such borough is situate.

Members of the council, &c. exempt from serving on juries ; burgesses of boroughs which have quarter sessions exempt from juries of county quarter sessions.

CXXIII. And be it enacted, That after the passing of this act no person in any borough shall continue to be exempt from serving on juries in any of the king's courts of record at Westminster, or in the superior courts, civil or criminal, of the counties palatine of Lancaster and Durham, or in

All chartered exemptions from serving on juries abolished.

6 G. 4. c. 50.
in part re-
pealed.

any court of assize, nisi prius, oyer and terminer, gaol delivery, or sessions of the peace, or in any other of the king's courts, by virtue of any writ, grant, charter, prescription, or otherwise; and so much of an act made in the sixth year of the reign of his late Majesty king George the Fourth, intituled *An Act for consolidating and amending the Laws relative to Jurors*, as provides that all persons in any borough exempt from serving upon juries in any of the courts aforesaid, by virtue of any prescription, charter, grant, or writ, shall continue to have and enjoy such exemption in as ample a manner as before the passing of that act, and shall not be inserted in the lists thereafter mentioned, shall be and the same is hereby repealed.

Fees payable to the clerk of the peace, clerk to the magistrates, and registrar and officers of the court of record.

CXXIV. And be it enacted, That the council of every borough shall and they are hereby required, within six calendar months next after their election, to make and settle a table of the fees which shall be taken by the clerk of the peace in those boroughs in which a separate court of quarter sessions of the peace shall be holden, and in those boroughs to which a commission of the peace shall have been granted, a table of the fees to be taken by the clerk to the justices, and in those boroughs in which there shall be a court of record, a table of the fees to be taken by the registrar and officers of such court; and such tables of fees shall be submitted to one of his Majesty's principal secretaries of state; and when such tables of fees shall be confirmed and allowed by

such secretary of state, either as such table shall have been submitted to him, or with such alterations, additions, or abatements as he shall think proper, the fees therein mentioned may thenceforth be lawfully taken by the person therein named to be entitled thereunto; and it shall be lawful for the council of such borough, from time to time, as occasion may require, to make new tables of fees to be taken instead of the fees contained in the tables which shall have been made as aforesaid, which new table shall be confirmed and allowed in the manner herein-before mentioned, otherwise the same shall be of no validity; and that until tables of the fees so to be taken in any such borough shall have been made and confirmed as aforesaid it shall be lawful for such clerk of the peace at the quarter sessions for any such borough, and such clerk to the justices, to take the fees authorized by the table for the time being to be taken by the clerk of the peace at the quarter sessions and clerk to the justices respectively for the county within or adjoining to which such borough is situated, and for the registrar and officers of such court of record to take the fees usually taken by them before the passing of this act.

CXXV. And be it enacted, That the town clerk of every borough shall cause a true copy of the tables of fees in force for the time being to be hung up in a conspicuous part of the room in which the business of his office is transacted, and also in the room wherein the justices of the peace of such borough shall sit for transacting their

Table of fees
to be hung
up.

business, and also in the room wherein the court of quarter sessions of the peace for the borough shall be held, and also in the court of record of the said borough.

Application
of penalties.

CXXVI. And be it enacted, That when by any act any penalties or forfeitures are or shall hereafter be made recoverable in a summary manner before any justice or justices of the peace, and by such act respectively the same are or shall be limited and made payable to his majesty, or to any body corporate, or to any person whomsoever, save and except the informer, who shall sue for the same, or any party aggrieved, in every such case the same, if recovered and adjudged before any justice of any borough in which a separate court of quarter sessions of the peace shall be holden as aforesaid, shall, notwithstanding any thing in such act respectively contained, be recovered for and adjudged to be paid to the treasurer of such borough for the time being, to the credit and on account of the borough fund of such borough; and no such penalty or forfeiture, or share of such penalty or forfeiture, shall in any case be recovered by or adjudged to be paid to any other person than the said treasurer, unless such person be the informer or the party aggrieved: Provided always, that nothing herein contained shall extend to any penalties or forfeitures recovered under any act relating to the customs, excise, and post office, or to trade or navigation, or any branch of his majesty's revenue.

CXXVII. And for the more effectual prosecution of offences punishable upon summary conviction by virtue of this act, be it enacted, That the prosecution for every such offence shall be commenced within three calendar months after the commission of the offence, and not otherwise ; and that where any person shall be charged on the oath of a credible witness with any such offence before a justice of the peace the justice may summon the party charged to appear before any two justices of the peace acting in and for the borough in which such offence shall have been committed, at a time and place to be named in such summons ; and if such party shall not appear accordingly the justices of the peace then and there present (upon proof of the due service of the summons by delivering a copy thereof to the party, or by delivering such copy at the party's usual place of abode to some inmate thereat, and explaining the purport thereof to such inmate,) may either proceed to hear and determine the case in the absence of the party, or may issue their warrant for apprehending and bringing such party before them, as they shall think proper.

Limitation of time for prosecution of offences punishable on summary conviction.

CXXVIII. And be it enacted, That it shall be lawful for any justice of the peace acting in and for any borough to issue his summons requiring any person to appear before any such justices of the peace for the purpose of giving evidence touching any offence against this act : and if any person so summoned shall neglect or refuse to appear at the time and place appointed by such

Power to summon witnesses.

Penalty for disobedience of summons, &c.

summons, and no reasonable excuse for his absence shall be proved before the justices of the peace then and there present, or if any person appearing in obedience to such summons shall refuse to be examined on oath touching any such offence by the justices then and there present, every person so offending shall, on conviction thereof before the said justices, or any other justices of the peace, forfeit and pay such sum of money not exceeding five pounds as to the convicting justices shall seem meet; and no person, although liable to the rate contributing to the borough fund of any borough, shall be deemed an incompetent witness in proof of any offence against this act by reason of any penalty or forfeiture for such offence being applicable to the use of such borough fund; and no justice of the peace shall be disabled from acting in the execution of this act by reason of his being liable to the rate contributing to the borough fund of any borough.

No witness
or justice to
be incompetent
on the
ground of
rateability.

Payment of
penalties;

CXXIX. And be it enacted, That the justices of the peace by whom any person shall be summarily convicted and adjudged to pay any sum of money for any offence against this act may adjudge that such person shall pay the same either immediately or within such period as the said justices shall think fit; and in case such sum of money shall not be paid at the time so appointed the same shall be levied by distress and sale of the goods and chattels of the offender, with the reasonable charges of such distress; and for want of sufficient distress such offender shall be impri-

may be le-
vied by dis-
tress;

or offender
imprisoned.

soned, with or without hard labour, in the common gaol or house of correction, as to the convicting justices shall seem meet, for any term not exceeding one calendar month where the sum to be paid shall not exceed five pounds, and for any term not exceeding two calendar months in any other case, the imprisonment to cease in each of the cases aforesaid upon payment of the sum due.

CXXX. And be it enacted, That the justices of the peace before whom any person shall be summarily convicted of any offence against this act may cause the conviction to be drawn up in the following form of words, or in any other words to the like effect, as the case may require; (that is to say,)

“to wit, } Be it remembered, That on the
 } day of in the year of our
 } Lord in the borough
 of in the county of A. O. is
 convicted before us, J. P. and J. J. P., two of his
 Majesty's justices of the peace for the said county
 [or borough, or otherwise, as the case may be], for
 that the said A. O. did [*here specify the offence,*
and the time and place when and where the same
was committed, as the case may be]; and we do
 adjudge that the said A. O. shall for the said
 offence forfeit the sum of and
 shall pay the same immediately [or shall pay the
 same on or before the day of]
 to the treasurer for the said borough,
 to be by him applied according to the directions

of the statute in that case made and provided. Given under our hands the day and year first above mentioned.'

Appeal
against con-
victions
under this
act.

CXXXI. And be it enacted, That any person who shall think himself aggrieved by any summary conviction in pursuance of this act may appeal to the next court of general or quarter sessions of the peace to be holden not less than twelve days after such conviction for the county or for the borough wherein the cause of complaint shall have arisen, provided that such person shall give to the complainant a notice in writing of such appeal, *and of the cause and matter thereof*, (1) within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions, or enter into a recognizance, with a sufficient surety, before a justice of the peace, within such three days, or at any time during his custody, on giving to the complainant *three days' notice* in writing of his intention so to do, and of the name, description, and place of abode of his proposed surety, conditioned personally to appear at the said sessions, and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as shall be by the court awarded; and upon such notice being given and such recognizance entered into the justice before whom the same shall be entered into shall liberate

(1) It is a sufficient notice of the cause and matter of appeal to state that the party appealing is "not guilty" of the offence of which he stands convicted.

such person if in custody; and the court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the court shall seem meet, and in case of the dismissal of the appeal or the affirmance of the conviction shall order and adjudge the offender to be dealt with and punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

CXXXII. And be it enacted, That no conviction, order, warrant, or other matter made or purporting to be made by virtue of this act shall be quashed for want of form, or be removed by certiorari (1) or otherwise into any of his Majesty's courts of record at Westminster; and no warrant of commitment shall be held void by reason of any defect therein, provided that it be therein alleged that it is founded on a conviction, and there be a good and valid conviction to sustain the same; and where any distress shall be made for levying any money by virtue of this act the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceedings relating thereto, nor shall the party distraining be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by

No certiorari, &c.

As to informality in warrants, &c.

(1) A common form of conviction and prohibiting the removal thereof by certiorari have the effect of diminishing prolonged litigation, but have also, not unfrequently, the effect of shutting out justice.

him, but the person aggrieved by such irregularity may recover full satisfaction for the special damage, if any, in an action upon the case.

Venue in proceedings against persons acting under this act.

Notice of action.

General issue

Tender of amends, &c.

CXXXIII. And for the protection of persons acting in the execution of this act, be it enacted, That all actions and prosecutions to be commenced against any person for any thing done in pursuance of this act shall be laid and tried in the county where the fact was committed, and shall be commenced within six calendar months after the fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases.

Jurisdiction of the Cinque

CXXXIV. And be it enacted, That the courts of quarter sessions of the peace of the towns and

ports of Hastings, Sandwich, Dovor, and Hythe, ^{Ports pre-} and of the ancient town of Rye, or of such of the ^{served.} said towns and ports and ancient town to which his majesty shall grant a separate court of quarter seessions of the peace, shall have jurisdiction over offences and matters committed, arising, and happening as well within the boundaries of such towns and ports and ancient town respectively as within the ancient members and liberties not being corporate of the same respectively, and also within the towns named in the schedule to this act which are ancient corporate members and liberties of the said towns and ports and ancient town respectively, and to which his Majesty shall not grant a separate court of quarter sessions of the peace; and also any or either of the said towns and ports of Hastings, Sandwich, Dovor, and Hythe, and ancient town of Rye, to which his Majesty shall not grant a separate court of quarter sessions of the peace, and their or its members and liberties, shall for all purposes relating to the jurisdiction of courts of quarter sessions of the peace be respectively within the jurisdiction of the courts of quarter sessions of the peace of the nearest other of the said towns and ports or ancient town to which his Majesty shall grant a separate court of quarter sessions of the peace; and the recorders, clerks of the peace, and coroners of the said towns and ports and ancient town respectively, or of such of them to which his Majesty shall grant a separate court of quarter sessions of the peace respectively, shall and may have and exercise the same jurisdiction, powers,

and authorities within all places within or subject to the jurisdiction of such courts respectively, as within the said ancient towns and ports and ancient town respectively of which they are or may be appointed recorders, clerks of the peace, or coroners.

Jurisdiction
of the
Cinque Ports
further pre-
served

CXXXV. And be it enacted, That the justices of the peace of the towns and ports of Hastings, Sandwich, Dovor, and Hythe, and of the ancient town of Rye, or of such of the said towns and ports and ancient town as shall have justices of the peace assigned to them by virtue of this act, shall and may have and exercise the same jurisdiction, powers, and authorities over offences and matters committed, arising, and happening within the ancient members and liberties not being corporate of such towns and ports and ancient town respectively, as such justices shall and may have and exercise within the towns and ports and ancient town for which they are or may be respectively justices of the peace; and also his Majesty's justices of the peace, acting under the authority of a commission or commissions, issued by virtue of an act passed in the fifty-first year of the reign of his late Majesty king George the Third, intituled *An Act to facilitate the Execution of Justice within the Cinque Ports*, shall and may have and exercise all the jurisdiction, powers, and authorities given to such justices by such act of parliament, as well within the members and liberties not being corporate of the said towns and ports and ancient town respectively as within the said

11 G. 3, c. 36.

towns named in the schedules to this act being corporate members and liberties thereof, or any of them, or any of the said towns and ports and ancient town which shall not have justices of the peace assigned to them by virtue of this act : Provided always, that nothing herein contained shall affect the liability of all inhabitant householders within any of the members and liberties of the Cinque Ports and ancient towns thereof, not being corporate, to serve on juries at quarter sessions as heretofore.

Proviso as to
juries in the
Cinque Ports
liberties.

CXXXVI. Provided always, and be it enacted, That nothing contained in this act shall alter or affect certain letters patent bearing date in the fifth year of the reign of his Majesty king Edward the Sixth, founding a free grammar school at Louth, in the county of Lincoln, and creating a body corporate for the management and regulation thereof, and for the benefit of twelve poor persons mentioned in the said letters patent, by the name of the "Warden and Six Assistants of the Town of Louth and Free School of King Edward the Sixth in Louth;" but that the said warden and assistants shall continue and be a body corporate with perpetual succession under the provisions of the said letters patent, for the management and regulation of the said school and the purposes aforesaid only, and shall remain and be seised of and entitled to all lands, tolls, tenements, and hereditaments now vested in them for the purposes therein mentioned, in the same manner to all intents and purposes as if this act had not been passed.

Act not to
affect letters
patent
founding a
grammar
school at
Louth.

Saving of
rights of the
Universities
of Oxford
and Cam-
bridge.

CXXXVII. And be it enacted, That nothing in this act contained shall be construed to alter or affect the rights or privileges, duties or liabilities, of the chancellor, masters, and scholars of the universities of Oxford or Cambridge respectively, as by law possessed under the respective charters of the said universities or otherwise, or to entitle any person to be enrolled a citizen of the city of Oxford or burgess of the borough of Cambridge, by reason of his occupation of any rooms, chambers, or premises in any of the colleges or halls of the universities of Oxford or Cambridge, or either of them, or to compel any resident member of either of the said universities to accept any office in or under the body corporate of the mayor and citizens of the city of Oxford, or of the mayor and burgesses of the borough of Cambridge, or to authorize the levy of any rate within the precincts of the said universities, or of any of the colleges or halls of the same, which now by law cannot be levied therein.

Not to affect
jurisdiction
over pre-
cincts of ca-
thedrals, nor
rights of
University
of Durham.

CXXXVIII. And be it enacted, That all the jurisdictions and authorities now exercised in and over the precinct or close of any cathedral shall be continued, as if this act had not been passed, concurrently with the jurisdiction and authority of the justices of the peace of the borough within which such close is situated; and that nothing herein contained shall affect or interfere with the rights and privileges granted by charter or act of parliament to the university of Durham.

In cases

CXXXIX. And be it enacted, That in every

case in which any body corporate, or any particular class, number, or description of members, or the governing body of any body corporate, now is or are in their corporate capacity, and not as charitable trustees, according to the meaning and provisions of this act, seised or possessed of any manors, lands, tenements, or hereditaments whereunto any advowson or right of nomination or presentation to any benefice or ecclesiastical preferment is appendent or appurtenant, or of any advowson in gross, or hath or have any right or title to nominate or present to any benefice or ecclesiastical preferment, every such advowson and every such right of nomination and presentation shall be sold at such time and in such manner as the commissioners appointed by his majesty to consider the state of the established church in England and Wales with reference to ecclesiastical duties and revenues may direct, so that the best price may be obtained for the same; and it shall be lawful for the council of such body corporate, and they are hereby authorized and required, with the consent of the said commissioners or any three or more of them, in writing under their hands, to convey and assure under the common seal of such body corporate such advowson or such right of nomination or presentation as aforesaid to the purchaser or purchasers thereof respectively, his or their heirs, executors, administrators, and assigns, or to such uses as he or they shall direct: and the proceeds of every such sale shall be paid to the treasurer of the borough, whose receipt shall be a sufficient and effectual discharge to the

where bodies corporate are seised in their corporate capacity of advowsons, &c. the same may be sold as ecclesiastical commissioners may direct.

Vacancy
arising be-
fore sale to
be supplied
by bishop of
the diocese.

purchaser or purchasers to whom the same shall be given for the amount of his or their purchase money, and shall be by him invested in government securities for the use of the body corporate, and the annual interest payable thereon shall be carried to the account of the borough fund: Provided always, that in any case of vacancy arising before any such sale shall have taken place and been completed, such vacancy shall be supplied by the presentation or nomination of the bishop or ordinary of the diocese in which such benefice or ecclesiastical preferment is situated.

The days
and times
for doing
the several
matters re-
quired or
authorized
by this act
to be done in
this year,
may be de-
ferred by
order in
council,
until any
days in
times before
the 1st day
of February,
1836.

CXL. And whereas it may happen that the several provisions of this act cannot be carried into effect within the several periods in the present year herein-before specified and limited in that behalf; be it therefore enacted, That it shall be lawful for his Majesty, if he shall think fit, by the advice of his privy council, to order any days and times before the first day of February next for doing the several matters required or authorized by this act to be done, in lieu of the several days and times for the present year herein-before specified, or any of them; (1) and in such case all matters mentioned in such order shall be done on and within such days and times as shall be mentioned respectively in that behalf in such order, as if the days and times mentioned in such order had in every instance been mentioned in this act in-

(1) See the orders in council of the 11th of September, and the 7th of October.

stead of the days and times herein-before respectively mentioned in that behalf, and not otherwise: Provided always, that nothing herein contained shall authorize his Majesty to appoint any days or times other than are herein-before specified for any matters required or authorized by this act to be done after the expiration of this present year: Provided also, that no person shall be entitled to be enrolled in the burgess roll of any borough in this present year unless he would have been entitled on the last day of August in this year to have his name included in some overseers list, if such list had been made out on the fifth day of September in this year.

CXLI. And whereas sundry towns and boroughs of England and Wales are not towns corporate, and it is expedient that several of them should be incorporated; be it enacted, That if the inhabitant householders of any town or borough in England and Wales shall petition his Majesty to grant to them a charter of incorporation, it shall be lawful for his Majesty, by any such charter, if he shall think fit, by advice of his privy council, to grant the same, to extend to the inhabitants of any such town or borough within the district to be set forth in such charter the *powers and provisions* in this act contained: (2) Provided nevertheless,

The king
empowered
to grant
charters of
incorpora-
tion.

(2) The effect of this clause will be to incorporate the several powers and provisions of this act with the charter to be granted to any town so far as they are applicable to the same. Whether a town to be incorporated is to have a recorder and a separate commission of the peace, and whether

that notice of every such petition, and of the time when it shall please his Majesty to order that the same be taken into consideration by his privy council, shall be published by royal proclamation in the *London Gazette* one month at least before such petition shall be so considered.

Interpreta-
tion clause.

CXLII. And be it enacted, That in the construction of this act the word "borough" shall be construed to mean city, borough, port, cinqueport, or town corporate, named in one of the said schedules (A.) and (B.); and the words "body corporate" shall be construed to mean body corporate named in one of the said schedules (A.) and (B.); and the word "burgess" shall be construed to mean citizen in the case of a city; and the word "county" shall be construed to mean county, riding, parts, liberty, or division; and the word "trustees" shall be construed to mean trustees, commissioners, or directors, or the persons charged with the execution of a trust or public duty, by whatever name they are designated; and the word "parish" shall be construed to mean parish, township, vill, hamlet, chapelry, tithing, district, precinct, or place maintaining its own poor; and the

it is to be divided into wards must of course depend on the particular circumstances of each case.

It will be readily perceived that the powers granted to the council of the several boroughs mentioned in the schedule of this act are greater than the king can lawfully confer on any corporate body; and at common law particularly, the provisions relative to the punishment of offences on summary conviction, and the application of these provisions to offences committed in breach of bye-laws. See sections 91, 127, 128, 129, 130, 131, 132.

words "overseers of the poor" shall be construed to mean all persons who execute the *duties of overseers of the poor*; (1) and that in all things herein-before provided to be done, until the first election of councillors in any borough under this act shall have been declared, the word "mayor" shall be construed to mean the chief officer of a borough, by whatever name he is now called; and in describing any person or thing, any word importing the singular number shall be construed to mean also several persons or things respectively, unless there be something in the subject or context repugnant to such construction; and that no misnomer or inaccurate description of any person, body corporate, or place named in any schedule to this act annexed, or in any roll, list, notice, or voting paper required by this act, shall hinder the full operation of this act with respect to such person, body corporate, or place, *provided that the description of such person, body corporate, or place be such as to be commonly understood.*

CXLIII. And be it enacted, That this act may be altered or amended by any act to be passed in this present session of parliament. Act may be altered this session.

(1) This is particularly applicable to churchwardens and assistant overseers of the poor.

SCHEDULES TO WHICH THIS ACT REFERS.

SCHEDULE (A).

ENGLAND AND WALES.

BOROUGHS WHICH ARE TO HAVE A COMMISSION OF THE PEACE.

SECTION I.—PARLIAMENTARY BOUNDARIES TO BE TAKEN UNTIL ALTERED BY PARLIAMENT.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Aberystwith	0	4	12	Mayor and burgesses of the town, borough, and liberty of Aberystwith.
Abingdon	0	4	12	Mayor, bailiffs, and burgesses of the borough of Abingdon.
Barnstaple	2	6	18	Mayor, aldermen, and burgesses of the borough and parish of Barnstaple in the county of Devon.
Bath	7	14	42	Mayor, aldermen, and citizens of the city of Bath.
Bedford	2	6	18	Mayor, bailiffs, and burgesses of the town of Bedford.
Berwick-upon-Tweed	3	6	18	Mayor, bailiffs, and burgesses of the borough of Berwick-upon-Tweed.
Bridgewater	2	6	18	Mayor, aldermen, and burgesses of the borough of Bridgewater.
Bristol	5	6	18	Bailiffs and burgesses of the Borough of Bridport.

Bristol	10	16	48	Mayor, burgesses, and commonalty of the city of Bristol.
Bury St. Edmund's	3	6	18	Alderman and burgesses of Bury St. Edmunds in the county of Suffolk.
Cambridge	5	10	30	Mayor, bailiffs, and burgesses of the borough of Cambridge.
Canterbury	3	6	18	Mayor and commonalty of the city of Canterbury.
Cardiff	2	6	18	Bailiffs, aldermen, and burgesses of the town of Cardiff.
Carlisle	5	10	30	Mayor, aldermen, bailiffs, and citizens of the city of Carlisle.
Carmarthen	3	6	18	Mayor, burgesses, and commonalty of the borough of Carmarthen.
Caernarvon	2	6	18	Mayor, bailiffs, and burgesses of the town and borough of Caernarvon.
Chester	5	10	30	Mayor and citizens of the city of Chester.
Chichester	2	6	18	Mayor, aldermen, and citizens of the city of Chichester.
Colchester	3	6	18	Mayor and commonalty of the borough of Colchester.
Dartmouth	0	4	12	Mayor, bailiffs, and burgesses of the borough of Clifton Dartmouth Hardness in the county of Devon.
Denbigh	0	4	12	Alderman, bailiffs, and burgesses of the borough of Denbigh.
Derby	6	12	36	Mayor, aldermen, and burgesses of the borough of Derby.
Devizes	2	6	18	Mayor and burgesses of the borough of Devizes.
Dorchester	0	4	12	Mayor, bailiffs, aldermen, and burgesses of the borough of Dorchester in the county of Dorset.
Dover	3	6	18	Mayor, jurats, and commonalty of the town and port of Dover.
Durham	3	6	18	Mayor, aldermen, and commonalty of the city of Durham and Framwelgate.
Evesham	0	4	12	Mayor, aldermen, and burgesses of the borough of Evesham.
Gateshead	3	6	18	Boroughholders and Freemen of the borough of Gateshead.
Gloucester	3	6	18	Mayor and burgesses of the city of Gloucester in the county of the city of Gloucester.
Guildford	0	4	12	Mayor and burgesses of the town of Guildford in the county of Surrey.
Harwich	0	4	12	Mayor and burgesses of the borough of Harwich.
Haverfordwest	0	4	12	Mayor, sheriffs, bailiffs, and burgesses of the county of the town of Haverfordwest, or of the town and county of the town of Haverfordwest.
Hereford	3	6	18	Mayor, aldermen, and citizens of the city of Hereford.
Hertford	0	4	12	Mayor, aldermen, and commonalty of the borough of Hertford.
Ipswich	5	10	30	Bailiffs, burgesses and commonalty of the town or borough of Ipswich.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Kendal	3	6	18	Mayor, aldermen, and burgesses of the borough of Kirby-in-Kendal in the county of Westmorland.
Kidderminster	3	6	18	High bailiff and commonalty of the borough of Kidderminster in the county of Worcester.
Kingston-upon-Hull	7	14	42	Mayor and burgesses of the town or borough of Kingston-upon-Hull.
King's Lynn	3	6	18	Mayor and burgesses of the borough of Lynn Regis.
Leeds	12	16	48	Mayor, aldermen, and burgesses of the borough of Leeds in the county of York.
Leicester	7	14	42	Mayor, bailiff, and burgesses of the borough of Leicester.
Leominster	0	4	12	Bailiffs and burgesses of the borough of Leominster.
Lichfield	2	6	18	Bailiff and citizens of the city of Lichfield.
Liverpool	16	16	48	Mayor, bailiffs, and burgesses of the borough of Liverpool.
Macclesfield	6	12	36	Mayor, aldermen and burgesses of the borough of Macclesfield.
Monmouth	0	4	12	Mayor, bailiffs, and commonalty of the town and borough of Monmouth.
Neath	0	4	12	Portreeve, aldermen, and burgesses of the borough of Neath.
Newark	3	6	18	Mayor and aldermen of the borough of Newark in the county of Nottingham.
Newcastle-under-Line	2	6	18	Mayor, bailiffs, and burgesses of Newcastle-under-Line in the county of Stafford.
Newcastle-upon-Tyne	7	14	42	Mayor and burgesses of the town of Newcastle-upon-Tyne in the county of the town of Newcastle-upon-Tyne.
Newport, Monmouth	2	6	18	Mayor, aldermen, and burgesses of the borough of Newport.
Newport (Isle of Wight). . . .	2	6	18	Mayor, aldermen, and chief burgesses of the borough of Newport in the Isle of Wight in the county of Southampton.
Northampton	3	6	18	Mayor, bailiffs, and burgesses of Northampton.
Norwich	8	16	48	Mayor, sheriffs, citizens, and commonalty of the city of Norwich.
Nottingham	7	14	42	Mayor and burgesses of the town of Nottingham.
Oxford	5	10	30	Mayor, bailiffs, and commonalty of the city of Oxford in the county of Oxford.

Pembroke	. . .	2	6	18	Mayor, bailiffs, and burgesses of the town and borough of Pembroke.
Poole	. . .	2	6	8	Mayor, bailiffs, burgesses, and commonalty of the town of Poole.
Portsmouth	. . .	7	4	42	Mayor, aldermen, and burgesses of the borough of Portsmouth in the county of Southampton.
Preston	. . .	6	2	36	Mayor, bailiffs, and burgesses of the borough of Preston in the county palatine of Lancaster.
Reading	. . .	3	6	8	Mayor, aldermen, and burgesses of the borough of Reading in the county of Berks.
Ripon	. . .	0	4	2	Mayor, burgesses, and commonalty of the Borough of Ripon in the county of York.
Rochester	. . .	3	6	18	Mayor and citizens of the city of Rochester in the county of Kent.
St. Albans	. . .	0	4	12	Mayor and aldermen and burgesses of the borough of Saint Albans in the county of Hertford.
Sarum, New	. . .	3	6	8	Mayor and commonalty of the city of New Sarum in the county of Wilts.
Scarborough	. . .	2	6	8	Bailiffs and burgesses of the town of Scarborough.
Shrewsbury	. . .	5	10	30	Mayor, aldermen, and burgesses of the town of Shrewsbury in the county of Salop.
Southampton	. . .	5	10	30	Mayor, bailiffs, and burgesses of the town of Southampton.
Stafford	. . .	2	6	18	Mayor, aldermen, and burgesses of the borough of Stafford.
Stamford	. . .	2	6	18	Mayor, aldermen, and capital burgesses of the town or borough of Stamford in the county of Lincoln.
Stockport	. . .	7	14	42	Mayor, aldermen, and burgesses of the borough of Stockport.
Sudbury	. . .	0	4	12	Mayor, aldermen, and burgesses of the borough of Sudbury.
Sunderland	. . .	7	14	42	Mayor, aldermen, and commonalty of the borough of Sunderland.
Swansea	. . .	3	6	18	Portreeve, aldermen, and burgesses of the borough of Swansea.
Tiverton	. . .	3	6	18	Mayor and burgesses of the town and parish of Tiverton in the county of Devon.
Truro	. . .	2	6	18	Mayor, aldermen, and capital burgesses of the borough of Truro.
Warwick	. . .	2	6	18	Mayor, aldermen, and burgesses of the borough of Warwick.
Wells	. . .	0	4	12	Mayor, masters, and burgesses of the city or borough of Wells in the county of Somerset.
Weymouth and Melcombe Regis	. . .	2	6	18	Mayor, aldermen, bailiffs, burgesses, and commonalty of the borough and town of Weymouth and Melcombe Regis in the county of Dorset.
Wigan	. . .	5	10	30	Mayor, aldermen, and burgesses of the borough of Wigan.

Style of Corporate Bodies

Borough.	Mayor.	Aldermen.	Councillors.	Mayor, bailiffs, and community of the city of Winchester.
Winchester	3	6	10	Mayor, bailiffs, and burgesses of the borough of New Windsor in the county of Berks
Windsor	2	6	1	Mayor, bailiffs, and citizens of the city of Windsor
Warwick	6	12	36	Mayor, aldermen, burgesses, and community of the borough of Great Yarmouth in the county of Norfolk
Yarmouth, Great	6	12	36	

SECTION 2. MUNICIPAL BODIES IN RE CAPED UNTIL APPROVED BY PARLIAMENT

Andover	0	4	2	Bailiff, approved men, and burgesses of the borough of Andover
Banbury	0	4	2	Mayor, aldermen, and burgesses of the borough of Banbury in the county of Oxford
Beverley	2	6	10	Mayor, aldermen, and burgesses of the borough of Beverley in the county of York
Bewdley	0	4	2	Bailiffs, burgesses, and inhabitants of the town and borough of Bewdley
Bideford	0	4	2	Mayor, aldermen, and capital burgesses of the borough, town, and manor of Bideford in the county of Devon
Boston	3	6	18	Mayor, aldermen, and burgesses of the borough of Boston
Brecon	0	4	2	Bailiff, aldermen, and burgesses of the borough of Brecon
Bridgenorth	0	4	2	Bailiffs, aldermen, and burgesses of the borough of Bridgenorth
Cillicorne	0	4	2	Bailiffs and burgesses of the borough of Cillicorne in the county of Lancaster
Chesterfield	0	4	2	Mayor, aldermen, and burgesses of the borough of Chesterfield
Chester	3	6	18	Mayor, aldermen, and burgesses of the borough of Chester in the county of Chester
Coveatry	6	12	36	Mayor, bailiffs, and community of the city of Coventry
Deal	2	6	18	Mayor, jurats, and community of the town of Deal in the county of Kent

Doncaster	.	.	.	3	6	18	Mayor, aldermen, and burgesses of the borough of Doncaster in the county of York.
Exeter	.	.	.	6	12	36	Mayor, bailiffs, and commonalty of the city of Exeter.
Falmouth	.	.	.	0	4	12	Mayor, aldermen, and burgesses of the town of Falmouth in the county of Cornwall.
Grantham	.	.	.	0	4	12	Aldermen and burgesses of the town or borough of Grantham.
Gravesend	.	.	.	2	6	18	Mayor, jurors, and inhabitants of the villages and parishes of Gravesend and Melton in the county of Kent.
Grimsby	.	.	.	0	4	2	Mayor and burgesses of the town of Grimsby in the county of Lincoln.
Hastings	.	.	.	3	6	18	Mayor, jurors, and commonalty of the town and port of Hastings in the county of Sussex.
Kingston-upon-Thames	.	.	}	3	6	18	Bailiffs and freemen of the borough of Kingston-upon-Thames.
Lancaster	.	.	.	3	6	18	Mayor, bailiffs, and commonalty of the town of Lancaster in the county palatine of Lancaster.
Lincoln	.	.	.	3	6	18	Mayor, sheriffs, citizens, and commonalty of the city of Lincoln.
Liskeard	.	.	.	0	4	12	Mayor and burgesses of the borough of Liskeard otherwise Liskeard in the county of Cornwall.
Louth	.	.	.	2	6	18	Warden and six assistants of the town of Louth and Free School of King Edward the Sixth in Louth.
Ludlow	.	.	.	0	4	12	Bailiffs, burgesses, and commonalty of the town and borough of Ludlow.
Maidstone	.	.	.	3	6	18	Mayor, jurors, and commonalty of the King's Town and parish of Maidstone in the county of Kent.
Maldon	.	.	.	0	4	12	Mayor, aldermen, and capital burgesses and commonalty of Maldon.
Newbury	.	.	.	0	4	2	Mayor, aldermen, and burgesses of the borough of Newbury.
Oswestry	.	.	.	2	6	8	Mayor, aldermen, common councilmen, and burgesses of Oswestry.
Penzance	.	.	.	2	6	18	Mayor, aldermen, and commonalty of the town of Penzance in the county of Cornwall.
Plymouth	.	.	.	6	2	36	Mayor and commonalty of the borough of Plymouth.
Pontefract	.	.	.	0	4	2	Mayor, aldermen, and burgesses of the borough or town of Pontefract.
Richmond	.	.	.	0	4	12	Mayor and aldermen of the borough of Richmond in the county of York.
Romsey	.	.	.	0	4	12	Mayor, aldermen, and burgesses of the town of Romsey Infra in the county of Southampton.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
St. Ives	0	4	12	Mayor and burgesses of the borough of St. Ives.
Saffron Walden . .	0	4	12	Mayor and aldermen of the town of Saffron Walden in the county of Essex.
Stockton	2	6	18	Mayor, aldermen, burgesses, and commonalty of the borough of Stockton.
Tewkesbury	0	4	12	Bailiffs, burgesses, and commonalty of the borough of Tewkesbury in the county of Gloucester.
Walsall	3	6	18	Mayor and commonalty of the borough and foreign of Walsall in the county of Stafford.
Welchpool	0	4	12	Bailiffs and burgesses of the borough of Poole in the county of Montgomery.
Wenlock	3	6	18	Burgesses of the borough of Wenlock.
Wisbeach	2	6	18	Burgesses of the borough of Wisbeach.
York	6	12	36	Mayor and commonalty of the city of York.

SCHEDULE (B).

ENGLAND AND WALES.

BOROUGHS which are not to have a Commission of the Peace, unless on Petition and Grant.

SECTION I.—PARLIAMENTARY BOUNDARIES TO BE TAKEN UNTIL ALTERED BY PARLIAMENT.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Arundel	0	4	12	Mayor and burgesses of the borough of Arundel.
Beaumaris	0	4	12	Mayor, bailiff, and burgesses of the borough of Beaumaris.
Cardigan	0	4	12	Mayor, common council, and burgesses of the town and borough of Cardigan.
Llanidloes	0	4	12	Mayor and burgesses of the borough of Llanidloes.
Pwllheli	0	4	12	Mayor, bailiffs, and burgesses of the borough of Pwllheli.
Ruthin	0	4	12	Aldermen and burgesses of the borough of Ruthin.
Tenby	0	4	12	Mayor, bailiffs, and burgesses of the borough of Tenby.
Thetford	0	4	12	Mayor and burgesses of the borough of Thetford.
Totnes. . . .	0	4	12	Mayor and burgesses of the borough of Totnes in the county of Devon.

Huntingdon	.	.	0	4	12	Mayor, aldermen, and burgesses of the borough of Huntingdon.
Hythe	.	.	0	4	12	Mayor, jurats, and commonalty of the town and Port of Hythe in the county of Kent.
Launceston	.	.	0	4	12	Mayor and commonalty of the borough of Dunheved otherwise Launceston.
Llandoverly	.	.	0	4	12	Bailiff and burgesses of the borough of Llanymtheverye.
Lyme Regis	.	.	0	4	12	Mayor and burgesses of the borough of Lyme in the county of Dorset.
Lymington	.	.	0	4	12	Mayor and burgesses of the borough of Lymington.
Maidenhead	.	.	0	4	12	Mayor, bridgemasters, and burgesses of the town of Maidenhead.
Marlborough	.	.	0	4	12	Mayor and burgesses of the borough and town of Marlborough in the county of Wilts.
Morpeth	.	.	0	4	12	Bailiffs and burgesses of the borough of Morpeth in the county of Northumberland.
Penryn	.	.	0	4	12	Mayor and burgesses of Penryn in the county of Cornwall.
Retford, East	.	.	0	4	12	Bailiffs and burgesses of East Retford in the county of Nottingham.
Rye	.	.	0	4	12	Mayor, jurats, and commonalty of the ancient town of Rye.
Sandwich	.	.	0	4	12	Mayor, jurats, and commonalty of the town and port of Sandwich in the county of Kent.
Shaftesbury	.	.	0	4	12	Mayor and burgesses of the borough of Shafton otherwise Shaftesbury in the county of Dorset.
South Wold	.	.	0	4	12	Bailiffs, aldermen, and burgesses of the borough of South Wold.
South Molton	.	.	0	4	12	Mayor and burgesses of the borough and parish of South Molton in the county of Devon.
Stratford-on-Avon	.	.	0	4	12	Mayor, aldermen, and burgesses of the borough of Stratford-upon-Avon.
Tamworth	.	.	0	4	12	Bailiffs and commonalty of the borough of Tamworth.
Tenterden	.	.	0	4	12	Mayor, jurats, and commons of the town and hundred of Tenterden in the county of Kent.
Torrington	.	.	0	4	12	Mayor, aldermen, and burgesses of the borough and town of Great Torrington in the county of Devon.
Wallingford	.	.	0	4	12	Mayor, burgesses, and commonalty of the borough of Wallingford.
Wymcombe, Chepping	.	.	0	4	12	Mayor, bailiffs, and burgesses of the borough of Chipping Wymcombe (otherwise Wicombe) in the county of Buckingham.

SCHEDULE (C.)

Berwick-upon-Tweed.	Northumberland.
Bristol.	Gloucestershire.
Chester.	Cheshire.
Exeter.	Devonshire.
Kingston-upon-Hull.	Yorkshire.
Newcastle-upon-Tyne.	Northumberland.

SCHEDULE (D.)

No. 1.

THE LIST OF BURGESSES of the borough of _____ in
the parish [or township] of _____

Christian name and sur- name of each person at full length.	Nature of the property rated.	Street, lane, or other place in this parish (or township) where the property is situated for which he is now rated.
Ashton, John - - -	Shop - - -	No. 23, Church Street.
Bates, Thomas - - -	House - - -	- - - Brook's Farm.

(Signed) A. B. } Overseers of the said parish
C. D. } [or township. (1)]

No. 2.

NOTICE OF CLAIM.

To the town clerk of the borough of _____
I HEREBY give you notice, That I claim to have my name inserted
in the burgess list of the borough of _____
that I occupy [*here describe the house, warehouse, counting-house, or shop
then occupied by the claimant*] in the borough, and that I have been rated
in the parish of _____ [*here state the parish or several parishes,*
and the time during which the claimant has been rated in each of them
within the borough, necessary for his qualification.]

Dated the _____ day of _____ in the year _____

(Signed) John Allen of [*place of abode*]. (2)

(1) See note to section 15.

(2) See note to section 17.

No. 3.

NOTICE OF OBJECTION.

To the town clerk of the borough of _____ [or
to the person objected to, as the case may be].

I HEREBY give you notice, That I object to the name of Thomas Bates, of Brook's Farm, in the parish of [describe the person objected to as described in the burgess list] being retained on the burgess list of the borough of

Dated the _____ day of _____ in the year _____
(Signed) John Ashton of [here state the place of abode and property for which he is said to be rated in the burgess list.] (1)

No. 4.

LIST OF CLAIMANTS. (2)

The following persons claim to have their names inserted on the burgess list of the borough of _____

Christian Name and Surname of each Claimant.	Nature of the property for which he is now rated.	Situation of the property for which he is now rated.	Parish (or Parishes) in which he has been rated, as stated in the claim.
Allen, John - -	House - -	No. 17, High Street.	Rated in the last year in Saint Mary's parish, in the borough, and in the two preceding years in Saint James's parish in the borough.

(Signed) A. B. Town Clerk.

(1) See note to section 17.

(2) See note to section 17.

No. 5.

LIST OF PERSONS OBJECTED TO. (1)

The following persons have been objected to as not being entitled to have their names retained on the Burgess list of the borough of

Christian name and surname of each person objected to.	Nature of the property for which he is now rated.	Situation of the property for which he is said to be now rated in the overseer's list.	Parish in which is the property for which he is now said to be rated in the overseer's list.
Bates, Thomas -	House.	Brook's Farm -	Saint James's.

(Signed) A. B. Town Clerk.

(1) See note to section 17.

SCHEDULE (E.)

ABINGDON.

An act for better paving, lighting, watching, and otherwise improving the town of Abingdon in the county of Berks, for removing nuisances, annoyances, and encroachments therein, and for preventing the same in future. 6 Geo. 4, c. 189.

ARUNDEL.

An act for the better paving, cleansing, and lighting the streets, lanes, ways, and passages within the borough of Arundel in the county of Sussex, and for removing and preventing encroachments, obstructions, and annoyances therein. 25 Geo. 3, c. 90.

BANBURY.

An act for paving, cleansing, lighting, watching, and otherwise improving the several streets, lanes, public passages and places in the borough of Banbury in the county of Oxford. 5 Geo. 4, c. 130.

BARNSTAPLE.

An act for paving, improving, and regulating the streets and public places in the borough and parish of Barnstaple, and for better regulation of the present markets, and providing others therein. 51 Geo. 3, c. 154.

BASINGSTOKE.

An act for paving the footways and crosspaths, and lighting, watching, cleansing, widening, and otherwise improving the streets, lanes, and other public passages and places in the town of Basingstoke in the county of Southampton. 55 Geo. 3, c. 7.

BATH.

An act for paving, cleansing, lighting, watching, and regulating the streets, squares, lanes, ways, passages, and public places within such part of the parish of Walcot in the county of Somerset as is not within the circuit, precinct, and jurisdiction of the city of Bath in the same county; and for removing and preventing nuisances, annoyances, encroachments, and obstructions, and for establishing a proper and effective police therein; and for licensing and regulating hackney coaches, chairs, porters, basket-men, and basket-women within the said city of Bath, and a certain distance thereof. 33 Geo. 3, c. 89.

An act for paving, steaning, cleansing, watering, lighting, watching, and regulating the streets, squares, lanes, ways, passages, and public places within the parish of Bathwick in the county of Somerset, and for removing and preventing nuisances, annoyances, encroachments and obstructions, and for establishing a proper and effective police therein. 41 Geo. 3, c. 126.

An act for better paving, cleansing, lighting, watching, regulating, and improving the city of Bath, and the liberties and precincts thereof. 54 Geo. 3, c. 105.

An act to amend an act of his late Majesty, for paving, cleansing, lighting, watching, and regulating the streets and public places within such part of the parish of Walcot in the county of Somerset as is not within the city of Bath. 6 Geo. 4, c. 74.

WILKES.

An act for paving, lighting, cleansing, and otherwise improving the streets and other public passages and places within the town of Wreccles in the county of Suffolk. 36 Geo. 3, c. 51.

BEDFORD.

An act for the improvement of the town of Bedford in the county of Bedford, and for rebuilding the bridge over the river Ouze in the said town. 43 Geo. 3, c. 128.

An act for amending and enlarging the powers of an act of his present Majesty, intituled "An act for the improvement of the town of Bedford in the county of Bedford, and for rebuilding the bridge over the river Ouze in the said town." 50 Geo. 3, c. 82.

BERWICK-UPON-TWEED.

An act for lighting the streets and lanes of the borough of Berwick-upon-Tweed, and the quays and wharfs belonging to the said borough, and that part of the bridge over the river Tweed which lies within the liberties of the said borough, and also the street of Castlegate within the said borough or the liberties thereof; and for paving the footpaths of the streets of the said borough and of Castlegate aforesaid; and for preventing obstructions, nuisances, and annoyances therein. 40 Geo. 3, c. 25.

BEVERLEY.

An act for lighting, watching, and regulating the streets and lanes and other public passages and places in the town of Beverley in the county of York. 48 Geo. 3, c. 87.

An act to amend and enlarge the powers of an act passed in the forty-eighth year of the reign of his late Majesty King George the third, for lighting, watching, and regulating the streets, lanes, and other public passages and places within the town of Beverley in the county of York. 6 Geo. 4, c. 132.

ROSTON.

An act for lighting and watching the streets, lanes, and other public passages and places within the borough of Roston in the county of Lincoln, and for removing and preventing nuisances, annoyances, and obstructions therein. 16 Geo. 3, c. 25.

An act for the better paving, cleansing, and otherwise improving the borough of Roston in the county of Lincoln. 22 Geo. 3, c. 40.

An act for amending and rendering more effectual an act passed in the thirty-second year of his present Majesty, for better paving, cleansing, and otherwise improving the borough of Roston in the county of Lincoln. 46 Geo. 3, c. 46.

An act for amending and rendering more effectual an act passed in the sixteenth year of his present Majesty, for lighting and watching

the streets, lanes, and other public passages and places within the borough of Boston in the county of Lincoln, and for removing and preventing nuisances therein. 46 Geo. 3, c. 41.

BRECKNOCK.

An act for supplying the borough and town of Brecknock, and liberties thereof, with water; and for paving, cleansing, regulating, and lighting the streets, lanes, and public passages there; and for widening and making commodious some of the said streets, lanes, and passages. 16 Geo. 3, c. 56.

BRIDGEWATER.

An act to enlarge the market-house and regulating the markets within the borough of Bridgewater in the county of Somerset; for paving, cleansing, lighting, and watching the streets, lanes, and other public passages and places within the said borough or adjacent thereto; and for the improvement thereof. 7 Geo. 4, c. 7.

BRIDPORT.

An act for taking down the market-house in the borough of Bridport in the county of Dorset, and rebuilding the same, together with a session or court-house, in a more convenient situation; for removing the shambles or butchers' row; for paving, cleansing, lighting, and watching the said borough; for removing and preventing nuisances and annoyances; and for prohibiting the covering of any new houses or buildings within the borough with thatch. 25 Geo. 3.

BRISTOL.

An act for the better preserving the navigation of the rivers Avon and Frome, and for cleansing, paving, and lighting the streets of the city of Bristol. 11 Will. 3, c. 23.

An act for making more effectual an act passed in the eleventh and twelfth years of the reign of King William the third, for the better preserving the navigation of the rivers Avon and Frome, and for cleansing, paving, and enlightening the streets of the city of Bristol, so far as the same act relates to the paving and enlightening the said streets; and for the regulating hackney-coachmen, halliers, draymen, and carters, and the markets and sellers of hay and straw, within the said city and liberties thereof. 22 Geo. 2.

An act for establishing, maintaining, and well-governing a nightly watch within the city of Bristol. 28 Geo. 2, c. 32.

An act to explain and render more effectual an act made in the last session of parliament, intituled "An act for establishing, maintaining, and well-governing a nightly watch within the city of Bristol." 29 Geo. 2, c. 47.

An act for widening several streets, lanes, ways, and passages within the city of Bristol, and for opening several new streets and passages within the same; and for explaining, amending, and enlarging the powers of the several acts passed for paving, cleansing, lighting, watching, and regulating the streets and other places within the said city and liberties thereof. 6 Geo. 3, c. 34.

An act for removing and preventing encroachments, obstructions, annoyances and other nuisances within the city of Bristol and the liberties thereof; and for licensing and better regulating hackney

DAKTMOUTH.

An act for building a market house in the borough of Clifton Dartmouth Harbourn in the county of Devon, and for better paving, lighting, watching, and improving the streets and other public places within the said borough. 55 Geo. 3, c. 28.

DAVENTRY.

An act for paving, cleansing, lighting, and watching the town of Daventry in the county of Northampton, and for regulating the market there, and for enabling the bailiff, burgesses, and commonalty of the borough of Daventry to purchase the Moot-Hall, and to rebuild the same. 46 Geo. 3, c. 118.

DEAL.

An act for more effectually paving, cleansing, lighting, and watching the highways, streets, and lanes within the town and borough of Deal in the county of Kent, and for removing and preventing encroachments, nuisances, and annoyances therein. 52 Geo. 3, c. 73.

DERBY.

An act for paving, cleansing, lighting, and otherwise improving the streets, lanes, and other public passages and places within the borough of Derby, and for selling a certain piece of waste ground situate within the said borough, called Nunn's Green, towards defraying the expence of the said improvements. 32 Geo. 3, c. 78.

An act for better paving and otherwise improving the borough of Derby. 6 Geo. 4. c. 132.

DEVIZES.

An act for amending, regulating, cleansing, lighting, watching, and keeping in repair the streets, lanes, and passages within the borough of the Devizes in the county of Wilts, and for preventing nuisances, annoyances, and obstructions therein. 21 Geo. 3, c. 36.

An act for paving lighting, cleansing, watching, and improving the borough of Devizes in the county of Wilts, and for removing and preventing nuisances and annoyances therein. 6 Geo. 4, c. 162.

DONCASTER.

An act for repealing so much of an act passed in the fourth year of the reign of his present Majesty as relates to the lighting the streets and places within the borough and Soke of Doncaster in the county of York; and for more effectually lighting, watching, and otherwise improving the said borough, and for preventing nuisances therein. 43 Geo. 3, c. 147.

DORCHESTER.

An act for better cleansing, lighting, and watching the streets, lanes, and other public passages within the borough of Dorchester in the county of Dorset, and in the tithing of Colliton-row in the town of Dorchester aforesaid; for paving the footways and repairing certain horseways of such parts thereof as are turnpike, and for paving the footways and repairing the horseways of such parts thereof as are not turnpike; for removing nuisances, annoyances, and obstructions therein; and for preventing houses or buildings hereafter to be erected in the said borough and tithing from being thatched.

16 Geo. 3, c. 27.

CARDIFF.

An act for better paving, cleansing, and lighting the streets, lanes, and public passages in the town of Cardiff, and liberties thereof, in the county of Glamorgan, and for removing and preventing nuisances and annoyances therein. Geo. 3, c. 7.

CARLISLE.

An act for lighting the streets, lanes, and other public passages and places within the city of Carlisle in the county of Cumberland, and the suburbs of the said city; for paving the footpaths of the streets of the said city and suburbs; and for otherwise improving the said city. 44 Geo. 3, c. 58.

An act for watching, regulating, and improving the city of Carlisle and the suburbs thereof. 7 & 8 Geo. 4, c. 86.

CHESTER.

An act for better regulating the poor, maintaining a nightly watch, lighting, paving, and cleansing the streets, rows, and passages, providing fire engines and firemen, and regulating the hackney-coachmen, chairmen, carmen, and porters, within the city of Chester. 2 Geo. 3.

An act to amend, alter, and enlarge the powers of an act passed in the second year of the reign of his present Majesty, so far as the same relates to maintaining a nightly watch, and lighting and cleansing the streets, rows, and passages, within the city of Chester, and for preventing nuisances and annoyances in the streets, rows, and passages within the said city, and for regulating and improving the police thereof. 43 Geo. 3, c. 47.

CHICHESTER.

An act for repealing an act made in the eighteenth year of the reign of Queen Elizabeth, intituled "An act for paving of the city of Chichester;" and for the better paving, repairing, and cleansing the streets, lanes, and public ways and passages within the walls of the said city, and for removing and preventing incroachments, obstructions, and annoyances therein. 31 Geo. 3, c. 63.

An act for better lighting and for watching the city of Chichester and places adjacent. 1 & 2 Geo. 4, c. 68.

CHEPPING WYCOMBE.

An act for paving, widening, cleansing, watching, lighting, and regulating the streets and other public places within the borough of Chepping Wycomb in the county of Bucks, and for removing and preventing nuisances and obstructions therein. 53 Geo. 3, c. 164.

CHIPPENHAM.

An act for lighting, watching, cleansing, paving, and otherwise improving the town of Chippenham in the county of Wilts. 4 Wm. 4, c. 47.

COVENTRY.

An act for the better paving, cleansing, lighting, and watching the city of Coventry and the suburbs thereof, and removing and preventing nuisances and annoyances therein; and for regulating the public wells and pumps within the said city and suburbs. 30 Geo. 3, c. 77.

DARTMOUTH.

An act for building a market house in the borough of Clifton Dartmouth Hardness in the county of Devon, and for better paving, lighting, widening, and improving the streets and other public places within the said borough. 55 Geo. 3, c. 28.

DAVENTRY.

An act for paving, cleansing, lighting, and watching the town of Daventry in the county of Northampton, and for regulating the market there, and for enabling the bailiff, burgesses, and commonalty of the borough of Daventry to purchase the Moot-Hall, and to rebuild the same. 46 Geo. 3, c. 118.

DEAL.

An act for more effectually paving, cleansing, lighting, and watching the highways, streets, and lanes within the town and borough of Deal in the county of Kent, and for removing and preventing encroachments, nuisances, and annoyances therein. 52 Geo. 3, c. 73.

DERBY.

An act for paving, cleansing, lighting, and otherwise improving the streets, lanes, and other public passages and places within the borough of Derby, and for selling a certain piece of waste ground situate within the said borough, called Nunn's Green, towards defraying the expence of the said improvements. 32 Geo. 3, c. 78.

An act for better paving and otherwise improving the borough of Derby. 6 Geo. 4, c. 132.

DEVIZES.

An act for amending, regulating, cleansing, lighting, watching, and keeping in repair the streets, lanes, and passages within the borough of the Devizes in the county of Wilts, and for preventing nuisances, annoyances, and obstructions therein. 21 Geo. 3, c. 36.

An act for paving lighting, cleansing, watching, and improving the borough of Devizes in the county of Wilts, and for removing and preventing nuisances and annoyances therein. 6 Geo. 4, c. 162.

DONCASTER.

An act for repealing so much of an act passed in the fourth year of the reign of his present Majesty as relates to the lighting the streets and places within the borough and Soke of Doncaster in the county of York; and for more effectually lighting, watching, and otherwise improving the said borough, and for preventing nuisances therein. 43 Geo. 3, c. 147.

DORCHESTER.

An act for better cleansing, lighting, and watching the streets, lanes, and other public passages within the borough of Dorchester in the county of Dorset, and in the tithing of Colliton-row in the town of Dorchester aforesaid; for paving the footways and repairing certain horseways of such parts thereof as are turnpike, and for paving the footways and repairing the horseways of such parts thereof as are not turnpike; for removing nuisances, annoyances, and obstructions therein; and for preventing houses or buildings hereafter to be erected in the said borough and tithing from being thatched.

16 Geo. 3, c. 27.

An act for better paving, cleansing, lighting, watching, watering and otherwise improving the streets and other public passages and places within the borough of Dorchester in the county of Dorset, and the tithing of Colliton-row in the town of Dorchester aforesaid.

4 Wm. 4, 22d May.

DOVOR.

An act for better paving, cleansing, lighting, and watching the streets and lanes in the town of Dover in the county of Kent, and in the several parishes of Saint Mary the Virgin and Saint James the Apostle in the said town and county; and for removing and preventing nuisances and annoyances therein.

18 Geo. 3, c. 76.

An act to amend an act made in the eighteenth year of his present Majesty, for paving, cleansing, lighting, and watching the town of Dover, and for removing and preventing nuisances and annoyances therein.

50 Geo. 3, c. 26.

An act to amend two acts of his late Majesty, for paving, cleansing, lighting, and watching the town of Dover, and for removing and preventing nuisances and annoyances therein

11 Geo. 4, c. 117.

DURHAM.

An act for paving, cleansing, lighting, watching, and regulating the streets, lanes, ways, and public passages and places within the city of Durham and borough of Framwelgate, and the suburbs thereof, and the streets thereto adjoining; for removing and preventing nuisances, annoyances, encroachments, and obstructions therein; for widening and rendering more commodious several of the said streets, lanes, ways, and public passages and places, and for regulating and improving the markets, within the said city and suburbs.

30 Geo. 3, c. 67.

EVESHAM.

An act for paving, cleansing, lighting, watching, regulating, and improving the borough of Evesham in the county of Worcester; for repairing, improving, and maintaining the bridge over the river Avon within the said borough; and for selling certain waste lands within the said borough, and for appropriating the monies arising from such sales towards the purposes therein mentioned.

3 Geo. 4, c. 67.

EXETER.

An act for enlightening the streets within the city of Exeter and suburbs thereof.

1 Geo. 3.

An act for better repairing the streets, lanes, and passages within the city of Exeter and county of the said city; and for amending an act passed in the first year of his present Majesty, intituled, "An act for enlightening the streets within the city of Exeter and suburbs thereof;" and for the better regulating of the watch within the said city and county, and for otherwise improving the same.

46 Geo. 3, c. 39.

An act for better and more effectually paving, lighting, cleansing, watching, and otherwise improving the streets, ways, and other public passages and places in the city and county of the city of Exeter.

50 Geo. 3, c. 146.

An act for better paving, lighting, watching, cleansing, and otherwise improving the city of Exeter and county of the same city.

2 & 3 Wm. 4, c. 106.

FAVERSHAM.

An act for the better paving, repairing, cleansing, lighting, and watching the highways, streets, lanes, and other public passages and places within the town and liberty of Faversham in the county of Kent, and also certain places near or adjoining thereto; and for removing and preventing encroachments, obstructions, nuisances, and annoyances therein.

29 Geo. 3, c. 69.

FOLKESTONE.

An act for paving, repairing, and cleansing the highways, streets, and lanes in the town of Folkestone, and liberty thereof, in the county of Kent, and for removing and preventing nuisances and annoyances therein.

36 Geo. 3, c. 49.

GATESHEAD.

An act for cleansing, lighting, and otherwise improving certain streets and places within and near the town and borough of Gateshead in the county of Durham.

54 Geo. 3, c. 109.

GLASTONBURY.

An act for paving and improving the streets and other public passages and places in the parishes of Saint John the Baptist and Saint Benedict in the town of Glastonbury in the county of Somerset.

51 Geo. 3, c. 173.

GLOUCESTER.

An act for the more effectual relief and employment of the poor within the city of Gloucester, and for lighting the streets of the said city.

4 Geo. 3.

An act for rebuilding the bridge over the river Severn at Maisemore, near the city of Gloucester; for raising, widening, and securing Over's Causeway leading from the said city towards Maisemore aforesaid; and for enforcing the proper paving and cleansing of the several streets within the said city, and for removing nuisances and annoyances therefrom, and preventing the like in future.

17 Geo. 3, c. 68.

An act for erecting a new goal, and for removing certain gateways, in the city of Gloucester, and for amending the several acts passed for the maintenance and support of the poor of the said city, and for lighting, paving, and regulating the streets there.

21 Geo. 3, c. 74.

An act for establishing a proper place for holding markets and fairs for the sale of live stock in the city of Gloucester and the suburbs thereof, and for opening convenient avenues thereto, and for watching and otherwise improving the said city.

1 & 2 Geo. 4, c. 22.

An act to provide for lighting the suburbs of the city of Gloucester with gas.

4 Wm. 4, c. 44.

GODALMING.

An act for paving, lighting, watching, and otherwise improving the town of Godalming in the county of Surrey.

6 Geo. 4, c. 177.

GRAVESEND.

An act for paving, cleansing, and lighting the High Street, East Street,

and West Street in the town and parishes of Gravesend and Milton, in the county of Kent, and for lighting the other streets; and for removing all incroachments and annoyances within the said town and parishes.

13 Geo. 3, c. 15.

An act for altering and enlarging the powers of an act of the thirteenth year of his present Majesty, for improving the town and parishes of Gravesend and Milton in the county of Kent; and for the better assessment and collection of the poor rates and other rates within the parish of Gravesend.

56 Geo. 3, c. 77.

An act for paving, cleansing, lighting, watching, and improving the town and parishes of Gravesend and Milton in the county of Kent, and for removing and preventing nuisances and annoyances therein.

3 Geo. 4, c. 51.

GUILDFORD.

An act, establishing, regulating, and maintaining a nightly watch, and for enlightening the open places and streets, within the town of Guildford in the county of Surrey.

32 Geo. 2.

An act for paving, cleansing, and otherwise improving the town of Guildford in the county of Surrey.

52 Geo. 3, c. 51.

HARWICH.

An act for paving, cleansing, lighting, and watching the town of Harwich in the county of Essex, and supplying the same with water.

59 Geo. 3, c. 118.

HASTINGS.

An act for better paving, lighting, watching, and otherwise improving the town of Saint Leonard in the county of Sussex.

2 Will. 4, c. 45.

An act for paving, lighting, watching, cleansing, and improving the town and port of Hastings in the county of Sussex, and for establishing and regulating markets therein, and supplying the inhabitants thereof with water, and for other purposes.

2 Wm. 4, c. 91.

HEREFORD.

An act for paving, repairing, cleansing, and lighting the streets and lanes in the city of Hereford and suburbs thereof, and removing nuisances and annoyances therein, and for creating a fund towards the expenses thereof, by inclosing divers waste grounds within the liberties of the said city; and for the better application of charity money; for setting the poor people of the said city to work; and to enable bodies corporate to alienate their houses and lands within the said city.

14 Geo. 3, c. 38.

An act to enlarge, amend, and render more effectual the provisions of an act of his present Majesty, for paving and lighting the city of Hereford, and removing nuisances therein; and for enabling the corporation of the said city to sell and apply the produce of certain messuages and lands in establishing market places and otherwise improving the said city.

56 Geo. 3, c. 23.

HERTFORD.

An act for paving the footways, and cleansing, lighting, and watching the streets and other public passages and places, within the borough of Hertford, and removing and preventing obstructions, nuisances, and annoyances therein.

28 Geo. 3, c. 75.

An act to amend and extend the provisions of an act for paving and improving the streets and other public passages and places within the borough of Hertford. 9 Geo. 4, c. 38.

HUNTINGDON.

An act for paving, cleansing, and lighting the High Street and other places within the town of Huntingdon, and for removing and preventing nuisances and annoyances therein. 25 Geo. 3, c. 9.

HYTHE.

An act for paving, repairing, cleansing, lighting, and watching the highways, streets, and lanes in the town and port of Hythe and liberty thereof in the county of Kent, and for removing and preventing nuisances and annoyances therein. 38 Geo. 3, c. 16.

IPSWICH.

An act for the pavyng the towne of Ipswiche. 13 Eliz. c. 24.

An act for paving, lighting, cleansing, and otherwise improving the town of Ipswich in the county of Suffolk, and for removing and preventing encroachments, obstructions, and annoyances therein. 33 Geo. 3, c. 92.

An act for amending and rendering more effectual an act passed in the thirty-third year of the reign of his present Majesty, for paving, lighting, cleansing, and otherwise improving the town of Ipswich in the county of Suffolk, and for removing and preventing encroachments, obstructions, and annoyances therein. 37 Geo. 3, c. 44.

An act for amending and enlarging the powers of two acts of his present Majesty, for paving, lighting, cleansing, and improving the town of Ipswich in the county of Suffolk, and removing and preventing encroachments, obstructions, and annoyances therein; and for watching the said town. 55 Geo. 3, c. 26.

An act to alter and amend several acts of his late Majesty's reign, for paving, lighting, and otherwise improving the town of Ipswich in the county of Suffolk. 1 & 2 Geo. 4, c. 104.

KINGSTON-UPON-HULL.

An act for explaining, amending, and making more effectual several acts of parliament relating to the maintenance and employment of the poor of the town of Kingstone-upon-Hull; and for better paving, preserving, and cleansing the streets, squares, lanes, and alleys in the said town, and preventing obstructions therein; and for preserving the lamps which shall be set up to enlighten the streets of the said town, and securing the property of such lamps to the owners. 28 Geo. 2, c. 27.

An act to amend and render more effectual several acts made for cleansing and enlightening the streets of the town of Kingstone-upon-Hull, and for preventing annoyances therein. 2 Geo. 3.

An act for amending and supplying the deficiencies of an act passed in the second year of the reign of his present Majesty king George the Third, intituled "An act to amend and render more effectual several acts made for cleansing and enlightening the streets of the town of Kingstone-upon-Hull, and for preventing annoyances therein." 4 Geo. 3.

An act for building a new goal for the town and county of the town

of Kingstone-upon-Hull, and for purchasing an additional burial ground for the use of the parish of the Holy Trinity in the said town; for regulating the affairs of hackney coachmen, chairmen, and porters, and the prices of carriage of goods; for altering the time of lighting lamps; for ascertaining the breadth of party walls, and for preventing certain nuisances within the said town, liberties, and precincts thereof; for amending an act of the fourteenth year of the reign of his present Majesty, for making and establishing public quays or wharfs at Kingstone-upon-Hull, in respect to such as are or may be built opposite to certain staiths in the said act described, and for other purposes. 23 Geo. 3, c. 55.

An act for paving, cleansing, lighting, watching, and regulating the streets, squares, lanes, and other public passages and places within the parish of Sealcotes in the East Riding of York, and for removing and preventing nuisances, annoyances, encroachments, and obstructions, and for licensing and regulating hackney coaches, chairs, porters, coal carriers and water carriers, trucks, carts, and other carriages within the said parish. 41 Geo. 3, c. 30.

An act for watching and more effectually lighting, cleansing, and otherwise improving the town of Kingstone-upon-Hull, and the liberty of Trippett and the lordship of Mytton in the parish of the Holy Trinity in the said town, and for preventing nuisances therein; and also for preventing frauds and impositions in the quality, measure, and carriage of coals sold in the said town and the neighbourhood thereof. 50 Geo. 3, c. 41.

KIDDERMINSTER.

An act for paving, cleansing, lighting, watching, and otherwise improving the streets and other public passages and places in Kidderminster, in the county of Worcester. 53 Geo. 3, c. 83.

KINGSTON-UPON-THAMES.

An act for the better lighting and watching the town of Kingstone-upon-Thames in the county of Surrey, and for removing and preventing all obstructions, encroachments, and nuisances therein. 13 Geo. 3, c. 61.

KING'S LYNN.

An act for paving, cleansing, lighting, and watching, and improving the borough of King's Lynn in the county of Norfolk, and for removing nuisances and annoyances therein; and for holding the Saturday and beast markets within more convenient parts of the said borough. 43 Geo. 3, c. 37.

LANCASTER.

An act for lighting, watching, paving, cleansing, and improving the streets, highways, and places within the borough and town of Lancaster in the county palatine of Lancaster. 5 Geo. 4, c. 66.

LEEDS.

An act for better supplying the town and neighbourhood of Leeds in the county of York with water; and for more effectually lighting and cleansing the streets and other places within the said town and neighbourhood, and removing and preventing nuisances, annoyances, encroachments and obstructions therein. 30 Geo. 3, c. 68.

An act to amend and enlarge the powers of an act passed in the thirtieth year of his present Majesty, for better supplying the town and neighbourhood of Leeds in the county of York with water, and for more effectually lighting and cleansing the streets and other places within the said town and neighbourhood; and for removing and preventing nuisances and annoyances therein; and for erecting a court house and prison for the borough of Leeds; and for widening and improving the streets and passages in the said town. 49 Geo. 3, c. 122.

An act to amend and enlarge the powers and provisions of an act of his present Majesty, for erecting a court house and prison for the borough of Leeds in the county of York and other purposes; to provide for the expence of the prosecution of felons in certain cases; and to establish a police and nightly watch in the town, borough, and neighbourhood of Leeds aforesaid. 55 Geo. 3, c. 42.

An act for lighting, cleansing, and improving the town and neighbourhood of Leeds in the county of York. 5 Geo. 4, c. 124.

LEOMINSTER.

An act for inclosing lands in the borough of Leominster in the county of Hereford, and in the township of Luston in the parish of Eye, in the said county; and for paving and otherwise improving the streets and other public places within the town of Leominster in the said county. 48 Geo. 3, c. 148.

LICHFIELD.

An act for paving, cleansing, lighting, watching, and regulating streets, lanes, and other public passages and places within the city of Lichfield, and the suburbs thereof. 46 Geo. 3, c. 42.

LINCOLN.

An act for paving, lighting, watching, and improving the city of Lincoln and the bail and close of Lincoln, and for regulating the police thereof. 9 Geo. 4, c. 27.

LIVERPOOL.

An act for the building a church in the town of Liverpool in the county palatine of Lancaster, and for enlightening and cleansing the streets of the said town, and for keeping and maintaining a nightly watch there. 21 Geo. 2, c. 24.

An act for opening, making, widening, and altering certain streets, passages, and places within the town of Liverpool in the county palatine of Lancaster; for supplying the said town with fresh and wholesome water; for removing and preventing nuisances and annoyances therein; for appointing additional market places; and for extending so much of the powers of an act of the second year of his present Majesty as relates to hackney-coachmen, chairmen, carters, and porters, to a certain distance beyond the liberties of the said town. 26 Geo. 3, c. 12.

An act for enlarging and varying some of the powers contained in certain acts of parliament relating to the lighting, watching, and cleansing the streets and other places within the town of Liverpool, and for removing and preventing nuisances and annoyances therein. 28 Geo. 3, c. 13.

An act for the reviving, extending, and varying the powers of an act passed in the twenty-sixth year of his late Majesty King George the third, for making and widening certain streets, passages, and places in the town of Liverpool in the county palatine of Lancaster, and for several other purposes in the said act mentioned; and also for further improving the said town. 1 Geo. 4, c. 13.

An act for widening and improving certain streets in the town of Liverpool in the county palatine of Lancaster; for the further prevention of nuisances and annoyances in the said town; for the regulation of weighing machines, weights and measures; and the establishment of a fire police therein. 7 Geo. 4, c. 57.

An act for the better pavage and sewerage of the town of Liverpool in the county palatine of Lancaster; and for settling the boundaries of the said town and the township of Kirkdale, and parts of the townships of Everton and West Derby. 11 Geo. 4, c. 15.

LOUTH.

An act for paving, lighting, watching, cleansing, regulating, and otherwise improving the town and parish of Louth in the county of Lincoln. 6 Geo. 4, c. 129.

LUDLOW.

An act for paving the footpaths within the borough of Ludlow in the county of Salop, and for lighting, watching, and otherwise improving the said borough. 33 Geo. 3, c. 25.

MACCLESFIELD.

An act for lighting, watching, and regulating the police within the borough of Macclesfield in the county of Chester. 54 Geo. 3, c. 23.

An act for better lighting, watching, and improving the borough and township of Macclesfield in the county of Chester, and regulating the police thereof. 6 Geo. 4, c. 96.

An act for better supplying the inhabitants of the borough of Macclesfield in the county of Chester with water, and to establish the rates payable for the same. 11 Geo. 4, c. 124.

MAIDSTONE.

An act for widening, improving, regulating, paving, cleansing, and lighting the streets, lanes, and other public passages and places within the King's town of Maidstone in the county of Kent; for removing and preventing encroachments, obstructions, nuisances, and annoyances therein; for better supplying the said town with water; and for repairing the highways within the parish of Maidstone. 31 Geo. 3, c. 62.

An act for altering and amending an act passed in the thirty-first year of the reign of his present Majesty, intituled "An act for widening, improving, regulating, paving, cleansing, and lighting the streets, lanes, and other public passages and places within the King's town of Maidstone in the county of Kent; for removing and preventing encroachments, obstructions, nuisances, and annoyances therein; for better supplying the said town with water; and for repairing the highways within the parish of Maidstone;" and for raising a further sum of money for completing the purposes of the said act.

42 Geo. 3, c. 90.

An act to enlarge the powers of three acts of his present Majesty for paving, cleansing, and lighting the streets and other public places within the King's town of Maidstone in the county of Kent, and better supplying the inhabitants with water; and for watching the said town, and making public wharfs therein. 59 Geo. 3, c. 16.

MONMOUTH.

An act for paving the footways, and cleansing, lighting, and watching the streets in the town of Monmouth. 58 Geo. 3, c. 81.

NEWARK.

An act for the better paving, lighting, and cleansing of the streets, lanes, and other public passages and places in the town of Newark-upon-Trent in the county of Nottingham, and for removing the market for butcher's meat in the said town, and for regulating the said market; and for repealing an act made in the twenty-seventh year of the reign of her late Majesty Queen Elizabeth, intituled "An acte for the paving of Newwarke-upon-Trent in the countie of Nottingham." 38 Geo. 3, c. 26.

NEWBURY.

An act for lighting, watching, paving, cleansing, and improving the streets, highways, and places within the borough, town, and parish of Newbury and the tithing or hamlet of Speenhamland in the parish of Speen in the county of Berks. 6 Geo. 4, c. 72.

NEWCASTLE-UNDER-LYME.

An act for paving, lighting, watching, cleansing, regulating, and improving the borough of Newcastle-under-Lyme. 59 Geo. 3, c. 71.

NEWCASTLE-UPON-TYNE.

An act for lighting the streets and other places, and maintaining a regular and nightly watch, within the town and county of the town of Newcastle-upon-Tyne; and for regulating the hackney-coachmen, and chairmen, carmen, porters, and watermen within the same. 3 Geo. 3.

An act for widening, enlarging, and cleansing the streets, lanes, and other public places, and for opening new streets, markets, and passages within the town of Newcastle-upon-Tyne and the liberties thereof, and for removing and preventing annoyances therein; and for regulating the public markets, and common stage waggons, drays, and carts carrying goods for hire. 26 Geo. 3, c. 39.

An act for lighting and watching the streets and other places without the walls, but within the liberties, of Newcastle-upon-Tyne. 52 Geo. 3, c. 76.

NEWPORT (Isle of Wight).

An act for paving, repairing, cleansing, lighting, and watching the streets, lanes, ways, passages, and places within the borough of Newport in the Isle of Wight; and for the removal of present, and the prevention of future incroachments, nuisances, and annoyances therein. 26 Geo. 3, c. 119.

NEWPORT (Monmouth).

An act for lighting, watching, paving, cleansing, and improving the streets, highways, and places within the town and borough of Newport in the county of Monmouth. 7 Geo. 4, c. 6.

NORTHAMPTON.

An act for paving, cleansing, lighting, and watching the town of Northampton, and for removing and preventing incroachments, obstructions, and annoyances therein. 18 Geo. 3, c. 79.

An act for altering and amending an act passed in the eighteenth year of the reign of his present Majesty, intituled "An act for paving, cleansing, lighting, and watching the town of Northampton, and for removing and preventing incroachments, obstructions, and annoyances therein; and for continuing the term of certain tolls by the said act." 37 Geo. 3, c. 42.

An act for better paving, lighting, watching, and improving the town of Northampton; and for taking down, widening, and rebuilding the bridge over the Nine or Nen, at the south entrance of the said town, and improving the avenues to the said bridge. 54 Geo. 3, c. 193.

NORWICH.

An act for better paving, lighting, cleansing, watching, and otherwise improving the city of Norwich. 46 Geo. 3, c. 67.

An act for amending and enlarging an act of his late Majesty, for better paving, lighting, cleansing, and otherwise improving the city of Norwich. 6 Geo. 4, c. 78.

NOTTINGHAM.

An act for enlightening the streets, lanes, and passages within the town and county of the town of Nottingham. 2 Geo. 3.

An act to alter, amend, and enlarge the powers of an act of the second year of his late Majesty's reign, intituled "An act for enlightening the streets, lanes, and passages within the town and county of the town of Nottingham." 1 & 2 Geo. 4, c. 70.

OSWESTRY.

An act for paving, cleansing, lighting, watching, and otherwise improving the streets and other public passages and places in the town and borough of Oswestry in the county of Salop. 49 Geo. 3, c. 140.

OXFORD.

An act for amending certain of the mileways leading to Oxford; for making a commodious entrance through the parish of Saint Clement; for rebuilding or repairing Magdalen bridge; for making commodious roads from the said bridge through the university and city and the avenues leading thereto; for cleansing and lighting the streets, lanes, and places within the said university and city and the suburbs thereof, and the parish of Saint Clement; for removing nuisances and annoyances therefrom, and preventing the like for the future; for empowering colleges and corporations to alienate their estates there; for removing, holding, and regulating markets within the said city; and for other purposes. 11 Geo. 3, c. 19.

An act to amend and enlarge the powers of an act passed in the eleventh year of his present Majesty's reign, for performing several works, and making improvements within the university and city of

Oxford and the suburbs thereof, and in the adjoining parish of Saint Clement. 21 Geo. 3, c. 47.

An act for enlarging the term and powers of two acts of his present Majesty, for amending certain mileways leading to Oxford, and making improvements in the university and city of Oxford, the suburbs thereof, and adjoining parish of Saint Clement, and for other purposes. 52 Geo. 3, c. 72.

An act for continuing the term and amending and enlarging the powers of three acts of his Majesty King George the third, for amending certain mileways leading to Oxford, and making improvements in the university and city of Oxford, the suburbs thereof, and adjoining parish of Saint Clement, and for other purposes in the said acts mentioned. 6 & 6 W. 4.

PEMBROKE.

An act for supplying with water the town of Pembroke and the neighbourhood thereof, within the county of Pembroke. 9 Geo. 4, c. 119.

PLYMOUTH.

An act for improving the town of Plymouth in the county of Devon. 51 Geo. 3, c. 102.

An act for better paving, lighting, cleansing, watching, and improving the town and borough of Plymouth in the county of Devon, and for regulating the police thereof, and for removing and preventing nuisances and annoyances therein. 5 Geo. 4, c. 22.

PONTEFRACT.

An act for paving and otherwise improving the streets and other public passages within the town of Pontefract in the county of York; for better supplying the said town with water; and for altering and amending an act passed in the twentieth year of his present Majesty, intituled "An act for dividing the park of Pontefract in the county of York, and for other purposes mentioned therein." 50 Geo. 3, c. 40.

PORTSMOUTH.

An act for the better paving and cleansing the streets and other public passages in the town of Portsmouth in the county of Southampton, and for preventing nuisances and annoyances therein, and for widening and rendering the same more commodious. 8 Geo. 3.

An act for lighting and watching the town of Portsmouth in the county of Southampton; and for explaining and amending an act passed in the eighth year of his present Majesty's reign, for the better paving and cleansing the streets and other public passages in the said town, and for preventing nuisances and annoyances therein, and for widening and rendering the same more commodious. 16 Geo. 3, c. 59.

An act for the better paving, cleansing, widening, and regulating the streets, courts, roads, lanes, ways, rows, alleys, and public passages and places within the town of Portsea in the county of Southampton, and for removing and preventing nuisances, annoyances, and obstructions within the said town. 32 Geo. 3, c. 103.

An act for better lighting and watching the town of Portsea in the county of Southampton; and for amending an act passed in the thirty-second year of his late Majesty, for paving, cleansing, and regulating the streets and public places within the said town, and removing and preventing nuisances and annoyances therein.

7 Geo. 4, c. 64.

PRESTON.

An act to light, watch, pave, cleanse, and improve the streets, highways, and places within the borough of Preston in the county palatine of Lancaster, and to provide fire engines and firemen for the protection of the said borough.

55 Geo. 3, c. 22.

READING.

An act for better paving, lighting, cleansing, watching, and otherwise improving the borough of Reading in the county of Berks.

7 Geo. 4, c. 56.

ROCHESTER.

An act for paving, cleansing, lighting, and watching the high street and lanes in the parish of Saint Nicholas within the city of Rochester and parish of Strood in the county of Kent, and for making a road through Star Lane, across certain fields adjoining thereto, to Chatham Hill in the said county.

9 Geo. 3, c. 32.

SANDWICH.

An act for the better repairing, paving, cleansing, lighting, and watching the highways, streets, and lanes of and in the town and port of Sandwich in the county of Kent, and in the several parishes of Saint Peter the Apostle, Saint Mary the Virgin, and Saint Clement, in the said town, port, and county; and for removing and preventing encroachments, nuisances, obstructions, and annoyances in the said highways, streets, and lanes, and on the common quay belonging to the said town and port, and in the haven adjoining to the said quay, and the bridge built over the said haven; and for regulating the berths and mooring places of vessels at the said quay, and the proper times for vessels to pass through the said bridge.

27 Geo. 3, c. 67.

SARUM, NEW.

An act for the better repairing and paving the highways, streets, and watercourses within the city of New Sarum; and for enlightening the streets, lanes, and passages, and better regulating the nightly watch within the said city.

10 Geo. 2.

An act to alter, extend, and amend the powers of two acts passed in the tenth year of the reign of his late Majesty King George the Second, and in the twelfth year of the reign of his present Majesty, for better paving, lighting, and watching the city of New Sarum in the county of Wilts.

55 Geo. 3, c. 23.

SCARBOROUGH.

An act for paving and otherwise improving the streets and other places in the township of Scarborough in the north riding of the county of York, and for licensing hackney-coaches and establishing other regulations in the said township.

41 Geo. 3, c. 94.

SHREWSBURY.

An act for the better paving and amending, cleansing, enlightening, and watching the streets, highways, lanes, and passages within the town of Shrewsbury in the county of Salop. 29 Geo. 2, c. 78.

An act for repealing an act passed in the twenty-ninth year of the reign of his Majesty King George the Second, for paving, lighting, and watching the town of Shrewsbury in the county of Salop; and for granting other powers in lieu thereof. 1 & 2 Geo. 4, c. 58.

SOUTHAMPTON.

An act for the better paving, repairing, and cleansing the streets and other public passages in the several parishes and wards of Saint Michael, Saint John, Holy Rood, Saint Lawrence, All Saints-within-the-Bar, All Saints-without-the-Bar, and East Street and Bag Row, within the town of Southampton and liberties thereof, and for preventing nuisances and annoyances therein; and for widening and rendering the same more commodious, and for lighting and watching the said streets and public passages. 10 Geo. 3, c. 25.

An act to amend an act made in the tenth year of his present Majesty, for paving, repairing, cleansing, lighting, and watching the streets and other public passages in the town of Southampton. 50 Geo. 3, c. 169.

STAFFORD.

An act for paving, lighting, watching, cleansing, regulating, and improving the streets, lanes, and other public passages and places within the borough of Stafford in the county of Stafford.

11 Geo. 4, c. 44.

ST. ALBAN'S.

An act for paving the footways and crosspaths, and for cleansing, lighting, watching, and regulating the streets and other public passages and places within the borough of Saint Alban in the county of Hertford.

44 Geo. 3, c. 8.

STOCKPORT.

An act for lighting, cleansing, watching, and otherwise improving the streets, lanes, and other public passages and places within the town of Stockport in the county palatine of Chester; and for regulating the police of the said town.

7 Geo. 4, c. 118.

STOCKTON.

An act for lighting, cleansing, and otherwise improving the town and borough of Stockton in the county of Durham. 1 Geo. 4, c. 62.

SUNDERLAND.

An act for lighting and watching the town of Bishop Wearmouth and Bishop Wearmouth Panns, for cleansing, paving, and regulating the footpaths, and for removing and preventing nuisances and encroachments therein.

50 Geo. 3, c. 25.

An act for paving, lighting, watching, and cleansing the town of Sunderland near the sea in the county of Durham; for removing the market; for building a town hall or market house; and for otherwise improving the said town; and for establishing a watch on the river Wear.

50 Geo. 3, c. 27.

An act for paving, lighting, watching, cleansing, and improving the town and parish of Sunderland near the sea in the county of Durham, for removing the market, and for otherwise improving the said town. 7 Geo. 4, c. 120.

SWANSEA.

An act for better paving, repairing, cleansing, lighting, and watching the several streets and other public passages and places within the town and franchise of Swansea in the county of Glamorgan, and for removing and preventing nuisances, annoyances, and obstructions therein. 49 Geo. 3, c. 79.

TWYCKESBURY.

An act for paving, repairing, cleansing, lighting, and watching the streets, lanes, ways, passages, and places within the town of Twyckesbury, and the precincts thereof, in the county of Gloucester; for the removal of present and prevention of future encroachments, nuisances, and annoyances therein; for regulating carts and other carriages, and ascertaining the rates of carriage; and for widening some part of the street called Church Street, within the said town. 26 Geo. 3, c. 17.

TIVERTON.

An act for the better and more easy re-building of the town of Tiverton in the county of Devon, and for determining differences touching houses and buildings burnt down or demolished by reason of the late dreadful fire there, and for the better preventing dangers from fire for the future. 5 Geo. 2.

An act for paving and otherwise improving the town of Tiverton in the county of Devon. 34 Geo. 3, c. 52.

An act for amending and enlarging the powers and provisions of an act of his late Majesty King George the Third, intituled "An act for paving and otherwise improving the town of Tiverton in the county of Devon, and for lighting the said town." 3 Geo. 4, c. 60.

TRURO.

An act for paving, cleansing, lighting, and widening the streets, lanes, and passages, for removing and preventing encroachments, nuisances, and annoyances, and for regulating the porters and drivers of carts, within the borough of Truro, and part of the adjoining parishes, in the county of Cornwall. 30 Geo. 3, c. 62.

WALLINGFORD.

An act for paving the footways, and for cleansing, lighting, watching, and regulating the streets, lanes, passages, and places, within the borough of Wallingford in the county of Berks, and for removing and preventing nuisances, annoyances, encroachments, and obstructions therein. 35 Geo. 3, c. 75.

WALSALL.

An act for paving, lighting, watching, cleansing, widening, regulating, and otherwise improving the town of Walsall, and the neighbourhood thereof, within the parish of Walsall in the county of Stafford. 5 Geo. 4, c. 68.

WELLS.

An act for more effectually repairing and improving certain roads

leading to and from the city or borough of Wells in the county of Somerset; and for paving, cleansing, lighting, watching, and watering the said roads, and the streets, lanes, and public passages within the said city or borough, the liberty of Saint Andrew, and suburbs of the said city and borough, and removing and preventing nuisances and annoyances therein.

1 & 2 Geo. 4, c. 12.

An act for lighting with gas the city and borough of Wells in the county of Somerset, the liberty of Saint Andrew, and suburbs of the said city or borough.

2 Wm. 4, c. 37.

WEYMOUTH and MELCOMBE REGIS.

An act for paving, cleansing, lighting, and watching the borough and town of Weymouth and Melcombe Regis in the county of Dorset, and for removing all encroachments, obstructions, and annoyances therein.

16 Geo. 3, c. 57.

An act for more effectually cleansing, lighting, and watching the borough and town of Weymouth and Melcombe Regis in the county of Dorset, and removing encroachments and annoyances therein; for licensing and regulating chairmen and other persons plying (for hire, for establishing markets, and for giving further powers to the quay master of the harbour of the said town.

50 Geo. 3, c. 187.

WINCHESTER.

An act for the better paving, repairing, cleansing, lighting, and watching the streets and other public passages within the city of Winchester, and also within the several parishes of Saint Bartholomew Hide, Saint John's in the Soke, Saint Peter's Cheeseshill, Saint Swithen, and Saint Michael in the West Soke, in the suburbs of the said city; and for preventing nuisances and annoyances therein, and for widening and rendering the same more commodious.

11 Geo. 3, c. 9.

An act for amending and enlarging the powers of an act of his present Majesty, for paving, cleansing lighting, and watching the streets and public passages in the city of Winchester, and several parishes in the suburbs thereof, and for removing and preventing nuisances therein.

48 Geo. 3, c. 2.

WINDSOR.

An act for the better paving, cleansing, lighting, and watching the streets and lanes in the parish and borough of New Windsor in the county of Berks, and for preventing nuisances and annoyances therein.

9 Geo. 3, c. 10.

WISBEACH.

An act for the establishing a cattle market within the town of Wisbeach in the Isle of Ely; for taking down and removing shambles therein; for paving, cleansing, lighting, and watching the said town, and removing nuisances therein; for preserving and improving the Port and harbour of Wisbeach, and for regulating the pilots belonging thereto.

50 Geo. 3. c. 206.

WORCESTER.

An act for better supplying the city of Worcester and the liberties

thereof with water ; and for more effectually paving, lighting, watching, and otherwise improving the said city. 4 Geo. 4, c. 69.

YARMOUTH (GREAT).

An act for better paving, lighting, cleansing, and watching the town of Great Yarmouth in the county of Norfolk, and for removing nuisances and annoyances therein, and for making other improvements in the said town. 50 Geo. 3, c. 23.

YORK.

An act for paving, lighting, watching, and improving the city of York and the suburbs thereof, and the liberty of Saint Peter within the said city, and for regulating the police of the same respectively.

6 Geo. 4, c. 127.

An act for improving and enlarging the market places within the city of York, and rendering the approaches thereto more commodious ; and for regulating and maintaining the several markets and fairs held within the same city and the suburbs thereof ; and for amending an act of his late Majesty, for paving, lighting, watching, and improving the said city and other purposes. 3 Wm. 4, c. 62.



ORDERS IN COUNCIL.

At the Court at *St. James's*, the 11th Day of *September*,
1835.

PRESENT,

The KING's Most Excellent Majesty in Council.

5th and 6th Wm. 4, c. 76, s. 140.

WHEREAS by an act, passed in the fifth and sixth year of his Majesty's reign, intituled "An act to provide for the regulation of Municipal Corporations in England and Wales," it was, among other things, enacted, that it should be lawful for his Majesty, if he should think fit, by the advice of his Privy Council, to order any days and times, before the first day of February next, for doing the several matters required or authorised by the said act to be done, in lieu of the several days and times for the present year therein-before specified, or any of them; and that in such case all matters mentioned in such Order should be done on and within such days and times as should be mentioned respectively in that behalf in such Order, as if the days and times mentioned in such Order had in every instance been mentioned in the said act, instead of the days and times therein-before respectively mentioned in that behalf, and not otherwise; provided always, that nothing therein contained should authorise his Majesty to appoint any days or times other than were therein-before specified, for any matters required or au-

thorised by the said act to be done, after the expiration of this present year.

His Majesty is thereupon pleased, by the advice of his most honourable Privy Council, in pursuance of the power vested in his Majesty by the said act, to order, and it is hereby ordered, as follows, that is to say :

Section 15.

His Majesty, by the advice aforesaid, does hereby order, that the overseers of the poor of every parish wholly or in part within any borough named in either of the schedules (A.) or (B.), to the said act annexed, shall make out, and shall deliver to the town clerk of the borough, the burgess list according to the provisions of the said act, on the seventh day of November in this year, instead of the fifth day of September, as provided in the said act ; and that the said overseers shall keep a true copy of such lists, to be perused by any person, without payment of any fee, at all reasonable hours, between the said seventh day of November and the seventeenth day of November in this year, instead of the time between the fifth and fifteenth days of September ; and that the town clerk shall cause a copy of all such lists to be fixed on or near the outer door of the town-hall, or in some public and conspicuous situation within the borough, on every day during the week next preceding the seventeenth day of November in this year, instead of the week next preceding the fifteenth day of September.

Section 17.

And his Majesty, by the advice aforesaid, does hereby order, that every person whose name shall have been omitted in any such burgess list, and who shall claim to have his name inserted therein, and every person authorised by the said act to object to any other person as not being entitled to have his name retained in any bur-

gess list, shall give such notice thereof respectively, as by the said act is required, on or before the seventeenth day of November in this year, instead of the fifteenth day of September; and that the town clerk of every such borough shall cause copies of the lists to be made out by him of all such persons so claiming and so objected to, according to the provisions of the said act, to be fixed on or near the outer door of the town hall, or in some public and conspicuous situation within such borough, during the eight days next preceding the first day of December in this year, instead of the eight days next preceding the first day of October, and that the town clerk shall likewise keep a copy of the names of all the persons so claiming as aforesaid, and also a copy of the names of all persons so objected to as aforesaid, to be perused by any person, without payment of any fee, at all reasonable hours during the eight days (Sunday excepted) next preceding the first day of December in this year, instead of the eight days (Sunday excepted) next preceding the first day of October.

Sections 18. 20.

And his Majesty, by the advice aforesaid, does hereby order, that the barristers to be appointed to revise the lists of burgesses of the said boroughs, according to the provisions of the said act, shall hold their courts as directed by the said act, for the purpose of revising the said burgess lists, at some time between the first day of December inclusive and the fifteenth day of December inclusive in this year, instead of the time between the first day of October inclusive and the fifteenth day of October inclusive.

Section 22.

And his Majesty, by the advice aforesaid, does hereby order, that the town clerk of every such borough shall cause the burgess roll of the burgesses of such borough to be completed on or before the twenty-second day of De-

ember in this year, instead of causing it to be completed on or before the twenty-second day of October.

Section 30.

And his Majesty, by the advice aforesaid, does hereby order, that the councillors of every such borough shall be elected, according to the provisions of the said act, on the twenty-sixth day of December in this year, instead of the first day of November.

Section 25.

And his Majesty, by the advice aforesaid, does hereby order, that the aldermen of every such borough shall be elected, according to the provisions of the said act, on the thirty-first day of December in this year, instead of the ninth day of November.

Sections 49. 61. 69.

And his Majesty, by the advice aforesaid, does hereby order, that the first quarterly meeting of the council of every such borough shall be holden at noon, on the first day of January in the year one thousand eight hundred and thirty-six, instead of the ninth day of November in this year; and that the mayor of every such borough shall be elected, according to the provisions of the said act, on the said first day of January, instead of the said ninth day of November; and that the sheriff to be appointed in any such borough, according to the provisions of the said act, shall be appointed accordingly on the said first day of January, instead of the first day of November in this year.

C. C. GREVILLE.

OCTOBER 9, 1835.

At the Court at *James's*, the 30th Day of *September*, 1835.

PRESENT,

The KING's Most Excellent Majesty in Council.

5th and 6th Wm. 4, c. 76, s. 140.

WHEREAS by an Act, passed in the fifth and sixth year of his Majesty's reign, intituled "An act to provide for the regulation of Municipal Corporations in England and Wales," it was, among other things, enacted, that it should be lawful for his Majesty, if he should think fit, by the advice of his Privy Council, to order any days and times before the first day of February next, for doing the several matters required or authorised by the said act to be done, in lieu of the several days and times for the present year therein before specified, or any of them; and that in such case all matters mentioned in such order should be done on and within such days and times as should be mentioned respectively in that behalf in such order, as if the days and times mentioned in such order had in every instance been mentioned in the said act, instead of the days and times therein before respectively mentioned in that behalf, and not otherwise; provided always, that nothing therein contained should authorise his Majesty to appoint any days or times other than were therein before specified, for any matters required or authorised by the said act to be done, after the expiration of this present year:

His Majesty is thereupon pleased, by the advice of his most honourable Privy Council, in pursuance of the power vested in his Majesty by the said act, to order, and it is hereby ordered, as follows, that is to say:

Section 39.

His Majesty, by the advice aforesaid, does hereby order, that it shall be lawful for the barrister or barristers, appointed in pursuance of the provisions in the said act contained, to determine and set out the extent, limits, and boundary lines of the wards into which it is provided by the said act that certain boroughs of large population shall be divided, and what portions of such boroughs shall be included therein respectively, within the space of sixty days next after the passing of the said act, instead of the space of six weeks next after the passing of the said act.

Section 58.

And his Majesty, by the advice aforesaid, does hereby order, that the council of every borough named in either of the schedule (A) or (B), to the said act annexed, shall appoint a fit person, according to the provisions of the said act, to be the town clerk of such borough, on the first day of January in the year one thousand eight hundred and thirty-six, instead of the ninth day of November in this present year.

WM. L. BATHURST.

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